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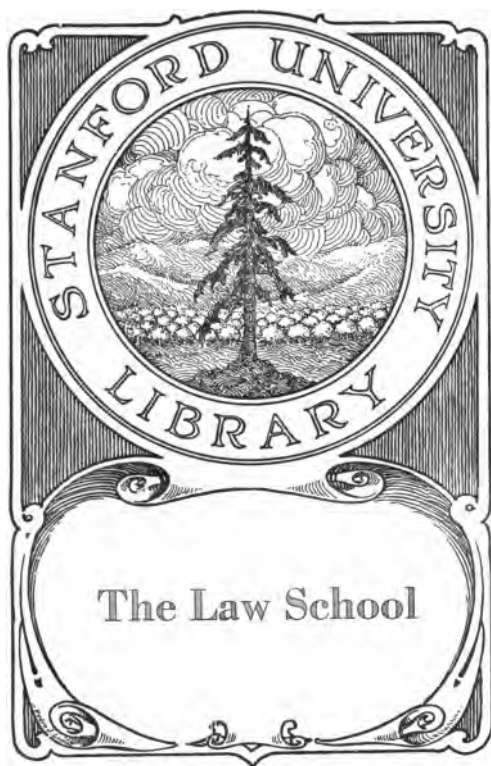
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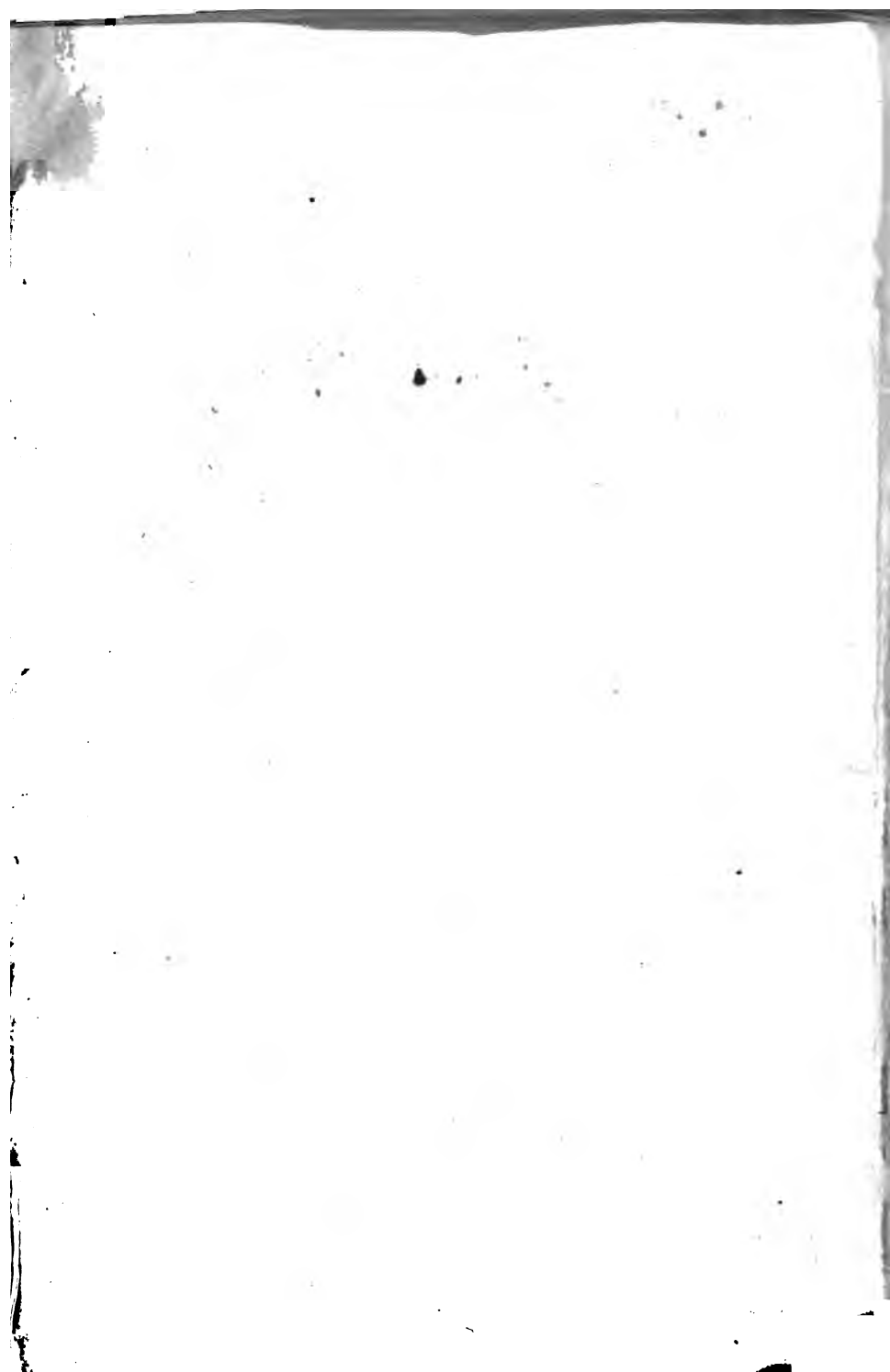
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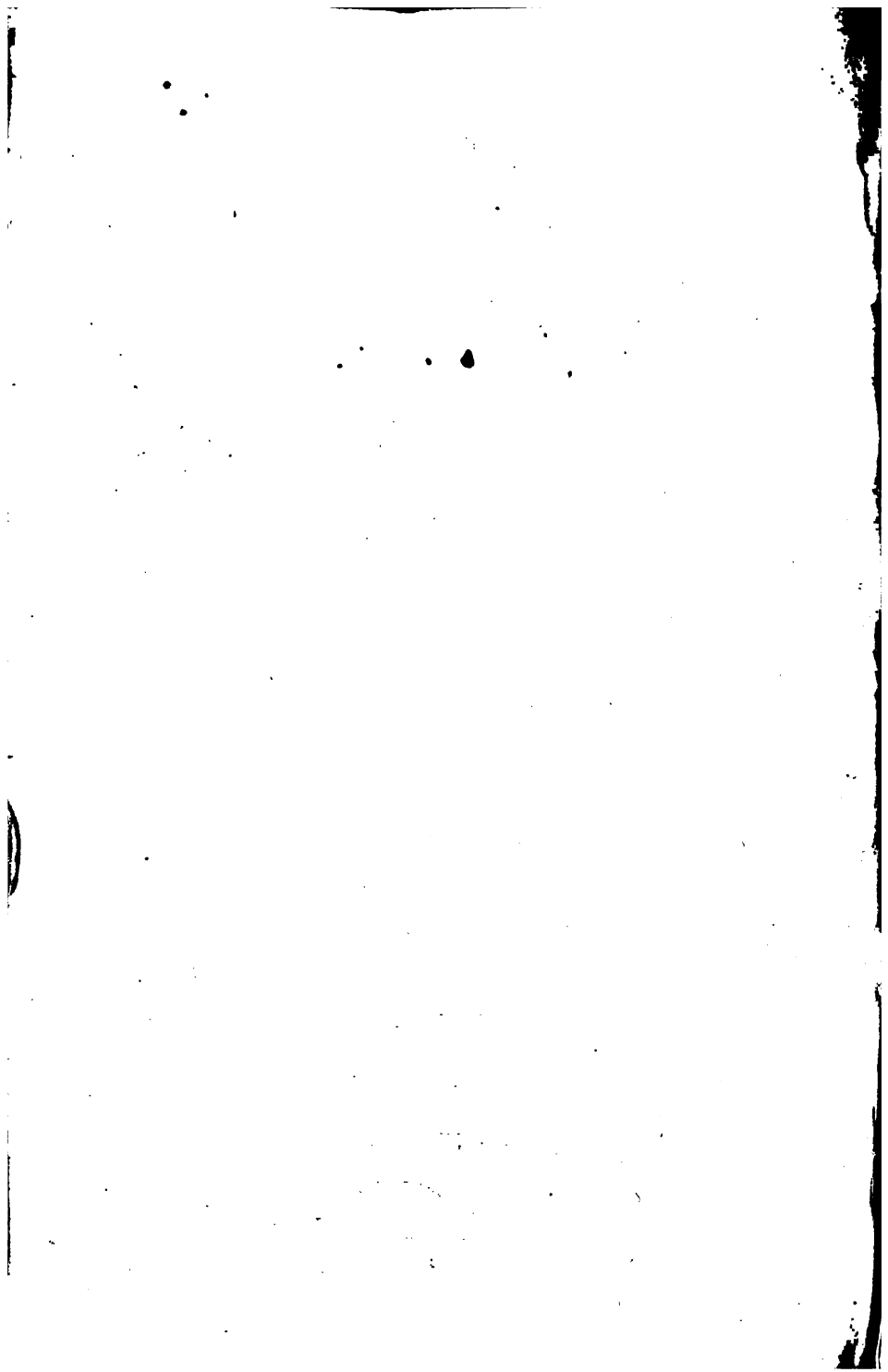
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Mrs. G. Helmer

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بسم الله الرحمن الرحيم





ACTS

PASSED AT THE FIRST SESSION

OF

THE THIRTY-SEVENTH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF KENTUCKY,

**BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY
THE FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD
ONE THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT, AND
OF THE COMMONWEALTH THE THIRTY-SEVENTH**

THOMAS METCALFE, GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT:

**AMOS KENDALL AND COMPANY,
PRINTERS FOR THE STATE.**

1829.

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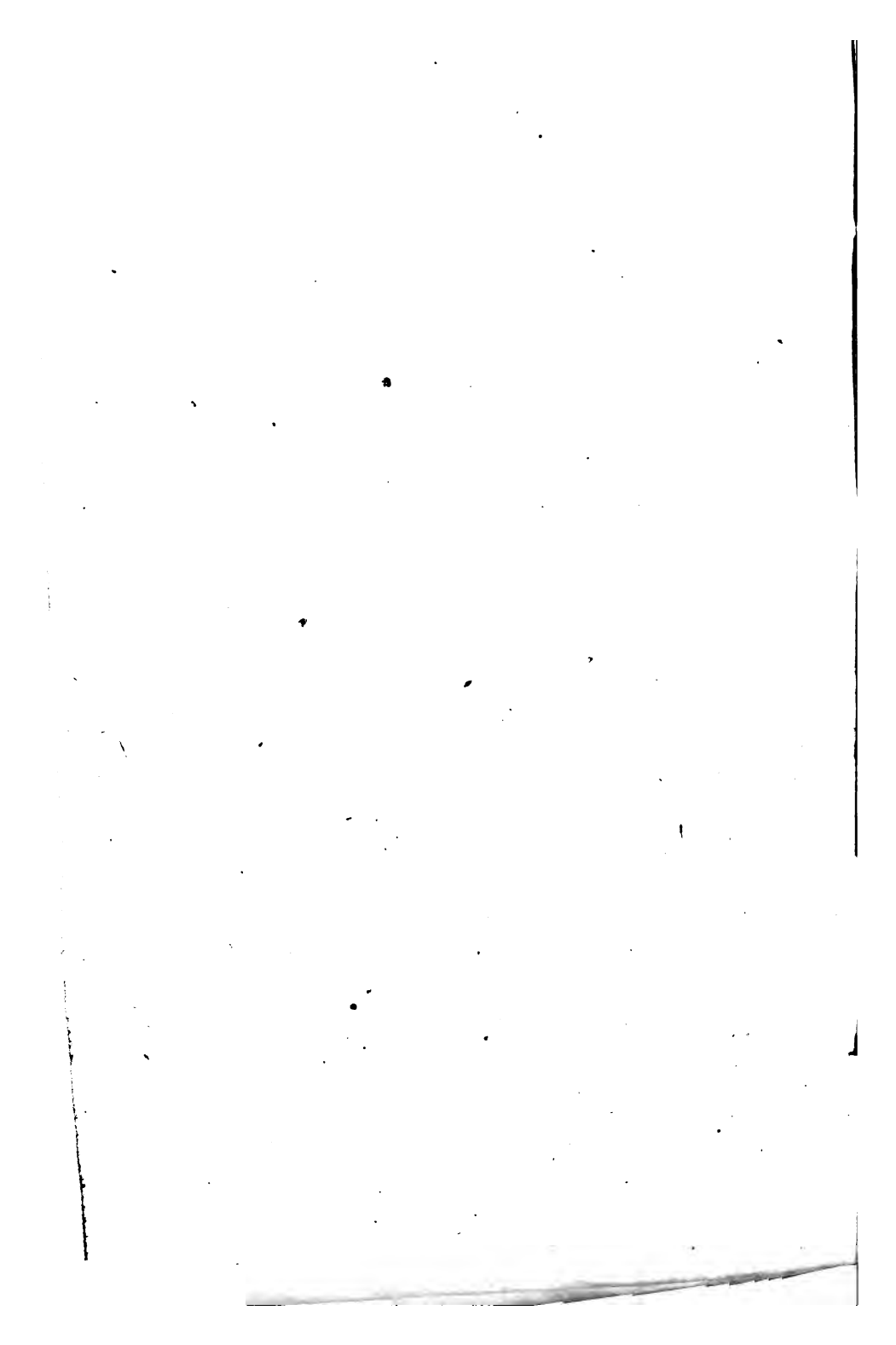
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ACTS
OF
THE GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF KENTUCKY.

CHAPTER 1.—An ACT giving further time for the completion of the Louisville and Portland Canal.

1828.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years, from and after the sixth day of February, 1829, be and the same is hereby given, for the completion of the Louisville and Portland Canal.

Two years allowed for its completion.

[Approved, December 11, 1828.]

CHAP. 2.—An ACT to authorise the insertion of advertisements in the Rural Visitor printed in Glasgow, and the Kentucky Statesman, printed in Elizabethtown.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful to publish in the "Rural Visitor," a newspaper printed in Glasgow, and the Kentucky Statesman, printed in Elizabethtown, all orders, advertisements, and publications required by law, except such as are exclusively to be inserted in the newspaper of the Public Printer. All publications made in said papers, shall be as effectual as if made in any other newspaper in this Commonwealth, and it shall be lawful for the Editors of said papers to charge the like fees, and make such certificates as are authorised to be charged and made by law.

[Approved, December 11, 1828.]

1828.

CHAP. 3.—An ACT to change the time of holding the Circuit and County Courts of Hickman and M'Cracken, and for other purposes.

Circuit Court of Hickman, when holden & how long. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the Circuit Court of Hickman County, shall be holden on the first Monday in February, May, and November, and shall sit six juridical days in each term, if the business of the court require it.

M'Cracken Circuit Court, when holden & how long. SEC. 2. *Be it further enacted*, That hereafter the Circuit Court of M'Cracken County, shall be holden on the second Monday in February, May, and November, and shall sit three juridical days, if the business of the Court require it.

County Court of Hickman, and of M'Cracken. SEC. 3. *Be it further enacted*, That hereafter the County Courts for the County of Hickman, shall be holden on the first Monday of each month, except those months in which the Circuit Courts are to be holden; and that hereafter the County Courts for the County of M'Cracken, shall be holden on the second Monday of each month, except those months in which the Circuit Courts are holden.

Process now out, returnable to said courts. SEC. 4. *Be it further enacted*, That all process heretofore issued, or which may hereafter be issued from any of the said Courts, shall be made returnable to the said Courts at the time that they are herein directed to be holden.

County Court of Todd. SEC. 5. *Be it further enacted*, That the County Court of Todd County, shall hereafter hold a term on the second Monday in April, July, and October; and that the County Courts of Laurel County shall hereafter be held on the third Mondays in those months in which the Circuit Courts of said County are not held.

When this act to be in force. SEC. 6. *Be it further enacted*, That this Act shall commence and be in force from and after the twenty-fifth day of January next; and that all Acts or parts of Acts, coming within the purview of this Act, shall be and the same are hereby repealed.

Repealing clause.

[Approved, December 11, 1828.]

CHAP. 4.—An ACT to provide for the safe-keeping of William Hall and Jesse Hise.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That immediately after the passage of this Act, the Sheriff of Muhlenberg

County, shall convey the said Jesse Hide and William Hall to the jail of Ohio County, and there to deliver them to the Jailer of said County, together with a copy of the indictments wherewith they stand charged, whose duty it shall be to keep securely said prisoners, until they shall be again demanded by the Sheriff of Muhlenberg County.

1828.

Sheriff of Muhlenberg to convey the prisoners to Ohio co.

Sec. 2. *Be it further enacted,* That the Sheriff of Muhlenberg County shall, within six days preceding the next term of the Muhlenberg Circuit Court, convey the said Jesse Hide and William Hall, from the jail of Ohio County to the County of Muhlenberg, and deliver them to the Jailer of said County, to be by him safely kept, as if this Act had never passed.

At next term of court, said sheriff to re-convey prisoners to Ohio county.

Sec. 3. *Be it further enacted,* That in case the said William Hall and Jesse Hide, shall have no trial at the next term of the Muhlenberg Circuit Court, the Sheriff of said County shall have power to convey the said William Hall and Jesse Hide back to the jail of Ohio County, for safe-keeping until the next succeeding term of the Muhlenberg Circuit Court, in the manner provided for in the second section of this Act; and the Sheriff of said County shall have similar power, at each succeeding term of said Court, until they shall be regularly tried and condemned, or discharged.

Prisoners to be re-conveyed to Ohio county jail, if no trial is had.

Sec. 4. *Be it further enacted,* That the expense of conveying the said William Hall and Jesse Hide to and from the Ohio jail, shall be paid by Muhlenberg County; and the County Court are hereby authorised to levy the same, and the Jailer of Ohio County shall be paid his fees for keeping said prisoners, in the same manner as provided for by law in other cases.

Who to pay the expense of the transportation.

[Approved, December 11, 1823.]

CHAP. 5.—An ACT to change the time of holding the Owen County Court.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this Act, the County Court for the County of Owen, shall hold their Courts on the first Monday in each month, instead of the second Mondays as heretofore: *Provided, however,* that no County Court shall be held on the first Mondays in the months of August and November in each year.

[Approved, December 15, 1823.]

1828.

CHAP. 6.—AN ACT authorizing the election of Trustees in the town of Owenton, Owen county.

Board of Trustees for Owenton.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Willis Roberts, Thomas A. Berryman, William G. Haydon, Reuben Runyan and Thomas B. Dillon, be and they are hereby appointed Trustees of the town of Owenton, in the county of Owen, and shall continue in office until the first Saturday in July 1829, and at the expiration of their terms, it shall be lawful for the citizens of said town, to elect five Trustees for said town, the above named Trustees giving ten days notice of the time and place of such election of their successors, who shall remain in office for one year after their election.

New Board to be elected by citizens.

Who may vote for Trustees.

SEC. 2. *Be it further enacted*, That each free white male person of the age of eighteen years, being an actual resident of said town, or holding title to real estate therein, shall be entitled to vote for Trustees.

Power to make by laws.

SEC. 3. *Be it further enacted*, That the Trustees of said town, shall have power to make rules and enact such by-laws, for the regulation and government of the said town, as they shall deem necessary: *Provided*, such rules and by-laws are not contrary to the constitution and laws of this Commonwealth.

Running horses and shooting in s'd town forbidden.

SEC. 4. *Be it further enacted*, That if any person or persons shall be guilty of running or racing any horse or horses, or shooting at a mark within the limits of the inlots or streets of said town, every person so offending, shall forfeit and pay, for each and every offence, the sum of one dollar, to be collected in the name of the Trustees respectively, recoverable by warrant before a Justice of the Peace, and applied towards keeping the streets of said town in repair.

Penalty.

Annual election of Trustees.

SEC. 5. *Be it further enacted*, That there shall be an election for Trustees on the first Saturday in July every year; and when any vacancy shall happen by death, removal, resignation or otherwise, the Board of Trustees shall have power to fill such vacancy, until the next annual election of Trustees in and for said town.

Citizens not exempt from working on roads.

SEC. 6. *Be it further enacted*, That nothing in this act contained, shall be so construed, as to exempt the citizens of said town from working roads and highways in such precincts and districts, as the County Court of Owen County, under the laws now in force, shall, from time to time, order and direct.

Appointment, duties and pay of clerk.

SEC. 7. *Be it further enacted*, That the Board of Trustees in and for said town, shall appoint a Clerk, whose duty it shall be to keep a fair record of the pro-

meetings of said Trustees, which shall be open for the inspection of any person desiring to see the same; and said Trustees shall be at liberty to make a reasonable allowance to the Clerk for his services, out of any funds which may come into their hands, under the provisions of this act.

1828.

Sec. 8. *Be it further enacted*, That a majority of the Trustees of said town, shall have power to do and perform every thing, which they may be authorized to do under the provisions of this act. A majority of the Board to act.

[Approved, December 18, 1828.]

CHAP. 7.—An ACT for the benefit of the Baptist Church, called "Six Mile," in Shelby county.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Baptist Church, called "Six Mile," in the county of Shelby, be and they are hereby authorized to sell and convey by deed, the acre of ground or any part thereof, on which their old Meeting-House stood.

[Approved, December 18, 1828.]

CHAP. 8.—An ACT for the benefit of James Ferry and others.

WHEREAS an Act passed at the last session of the Legislature appointing Commissioners to view and mark a road from Brandenburg in Meade County to Bowling-Green in Warren County; that said Commissioners entered upon the duties assigned them by said Act, and to enable them to perform said duties, they employed James Ferry, the surveyor of Grayson, and two chain carriers; the Commissioners entertain some doubts, how and in what manner said Ferry and chainmen shall be paid: For remedy whereof,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That at the next Court of claims in the several Counties through which said road was located, upon the said Ferry and chainmen producing to said Courts a certificate from the Commissioners, or those of them who acted, showing the several sums that the said Ferry and chainmen are entitled to have, distinguishing the amount for each County, the same Courts shall severally pay the same out of their respective County levies. County courts to allow & pay claims.

[Approved, December 18, 1828.]

1828.

CHAP. 9.—An ACT to repeal the law establishing an Election Precinct in the South Fork in Wayne County, and an Election Precinct in Allen County.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That "an Act to establish an election precinct in the County of Wayne," approved January 22nd, 1827, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the fifth section of an Act entitled, "an Act to establish election precincts in certain counties," approved January 30th, 1828, shall be, and the same is hereby repealed.

[Approved, December 18, 1828.]

CHAP. 10.—An ACT to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage existing between Benjamin D. Fowler and Elizabeth, his wife, be and the same is hereby dissolved; and the said parties shall henceforth be deemed in law unmarried persons, to all intents and purposes.

[Approved, December 18, 1828.]

CHAP. 11.—An ACT to continue in force an Act for the benefit of the Headright and Tellico Settlers, and for other purposes, passed December 28, 1828.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That an act entitled, "an Act for the benefit of the headright and Tellico settlers, and for other purposes," passed December the 28th, 1826, shall be, and the same is hereby continued in full force, for and during the term of one year from the passage of this Act.

[Approved, December 20, 1828.]

CHAP. 12.—An ACT authorising the Surveyor of Muhlenberg County to receive and record certain plats and certificates.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Surveyor of Muhlenberg County do receive and record all plats and certifi-

rates of survey made by any authorised deputy of his predecessor, whilst such predecessor was in office, and where such surveys have been made in conformity to law.

1828.

[Approved, December 20, 1828.]

CHAP. 13.—AN ACT for the benefit of the Sheriff of Owen county.

WHEREAS certain claims on the Treasury, held by the Sheriff of Owen county, have not been allowed by the Circuit Court of said county, in consequence of the failure of the Judge of the Circuit Court thereof to hold a session of the Court since last May: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Owen Circuit Court, shall be, and he is hereby authorized to examine and certify the claims of said Sheriff, as fully and completely as if the same had been examined and certified at the regular term of the Owen Circuit Court; and when said claims or claims thus certified by the Judge, shall be lodged with the Clerk of the Owen Circuit Court, and the same certified by him to the Auditor, the Auditor shall settle said account in the same manner as if it had passed in open court, and been certified as now directed by law. The Clerk is hereby directed to retain the original and deliver to the Sheriff a copy.

The circuit judge to allow & certify certain claims.

[Approved, December 20, 1828.]

CHAP. 14.—AN ACT authorising the insertion of Advertisements in the Reflector, published in Augusta, Bracken County.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Editor of the "Reflector," printed in Augusta, Bracken County, Kentucky, to insert in said paper any and all advertisements which are authorised to be published in any newspaper printed in this State, except such as are particularly directed by law to be published in the paper of the public printer; and the Editor of said paper shall have a right to demand and receive the same fees for his services, as are now allowed by law to other printers for similar services.

[Approved, December 20, 1828.]

1828.

CHAP. 15.—An ACT to allow additional Constables to certain Counties.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this Act, there shall be allowed to the County of Monroe, one additional Constable, and to the County of Green, two additional Constables.*

Sec. 2. That the County Courts of Monroe and Green Counties, shall, so soon as convenient, elect some suitable persons in pursuance of the first section of this Act, who shall comply with the requisitions of the several Acts of Assembly of this Commonwealth, in relation to the appointment of Constables, before they enter upon the duties of their offices.

[Approved, December 20, 1828.]

CHAP. 16 — An ACT authorizing the Commissioners for building the Court-House of Spencer county, to change the contract made for the building of the same.

Preamble.

WHEREAS it is represented to this General Assembly, that George M'Grew, of the county of Spencer, the undertaker of the building the Court-House for Spencer county, is anxious to surrender his contract, and if surrendered, the same can be taken off of his hands so as to redound to the benefit of the county; and whereas doubts have arisen, whether the Commissioners appointed by the Spencer County Court, to let to the lowest bidder, and superintend the erection of the Court-House for said county, have power and authority to change the same:

BE it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That Raphael Lancaster, George Bourne, Henry L. Minor, M. B. Shelburne and Nathaniel B. Wood, the Commissioners appointed by the County Court of Spencer County, to let to the lowest bidder, the erection of a Court-House for said county, be and they are hereby authorized, by and with the consent of the said George M'Grew and said County Court, to cancel the bond entered into by the said M'Grew to the Spencer County Court, for the erection of the Court-House aforesaid, upon their taking bond and security from the person who takes the contract off of said M'Grew's hands, payable to the Spencer County Court, in the penalty and under the conditions now required by law; which said bond, when so taken, shall

be as good and valid in law to all intents and purposes, as if the person executing the same had become the lowest bidder thereof at public auction: *Provided*, that nothing herein contained, shall be construed to authorize said Commissioners to cancel said bond of said M'Grew, until the bond contemplated by this act shall have been first executed; which bond, when so executed, shall be upon the same terms as the contract made by the said M'Grew.

1828.

[Approved, December 20, 1826.]

CHAP. 17.—An ACT for the benefit of Clayton Miller, Elijah Stapp, and Jacob Frederick.

WHEREAS it is represented to the present General Assembly, that Clayton Miller and Elijah Stapp, by virtue of two Kentucky Land Office Warrants, Nos. 14,639 and 14,637, caused to be surveyed, June 7th, 1826, one hundred and fifty acres of land, in Adair county, on the waters of Pettit's Fork of Russell's Creek, and returned the plat and certificate of survey to the Register's office, and the patent was issued, and upon examination it was found, that the third line and fourth corner were left out: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the* Register of the Commonwealth of Kentucky, That the Register of the Land Office be, and he is hereby authorised and directed, upon the production of the original survey from Miller & Elijah the surveyor's office of Adair county, to receive and Stapp. record the same, and to issue a patent, without fee, and note in the margin of the book opposite the former survey, the contents thereof.

And whereas it is further represented, that Jacob Frederick did, on the 15th day of October 1825, cause a survey of fifty acres to be made on waste and unappropriated lands, by the surveyor of Rockcastle county, by virtue of a fifty acre Kentucky Land Office Warrant, and on recording the plat and certificate of survey, the surveyor omitted recording the number of the Warrant, and after the original plat and certificate was received from the surveyor's office, together with the Warrant on which the survey was founded, they were both lost, so that they could not be found:

SEC. 2. *Be it therefore further enacted*, That the Register of the Land Office be, and he is hereby authorised and directed, to receive and record a copy of the Register to issue patent to Jacob Frederick.

1828.

original survey, from the surveyor's office of Rockcastle county, and issue a patent to the said Jacob Frederick, as in other cases.

[Approved, December 20, 1828.]

CHAP. 18.—An ACT for the benefit of the heirs of Benjamin Holland, deceased.

Preamble.

WHEREAS Benjamin Holland, of the county of Green, obtained from the county court of said county, a certificate for one hundred and six acres of land, lying on the south side of Green river, in said county, No. 18; that a survey was legally and regularly made on said certificate, by Wm. Buckner, surveyor of said county; that said Holland has departed this life, and owing to accident, coupled with the circumstance of his death, the original plat and certificate has been lost or mislaid, and since said Holland's death, the whole of the State price for said land has been paid; but a difficulty still exists in obtaining a patent for said land; by reason of there being no person who can swear to the loss of the original plat and certificate, and because there is some difficulty in obtaining the names of all the heirs of said Holland: For remedy whereof,

Be it enacted by the present General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office shall, and he is hereby directed, to receive and register a copy of said plat and certificate, and immediately issue to the heirs of Benjamin Holland, by the name and style of "the heirs of Benjamin Holland, deceased," a patent for said one hundred and six acres of land, agreeably to the said plat and certificate: However, nothing in this act, nor shall the emanation of the patent herein directed, be so construed as to prejudice the claim of any person to said land.

Register to receive and register a copy of a plat and certificate, and to issue a patent thereon.

Proviso.

[Approved, December 31, 1828.]

CHAP. 19.—An ACT to extend the lot appropriated for a burying ground in the town of Greensburg.

WHEREAS it is represented to the present General Assembly, that, by mistake, several persons have been interred in the alley on the west end and south side of the lot appropriated for a burying ground, in Greensburg, and also in part of the Seminary lot adjoining

on the south side, and that no inconvenience can arise by extending said lot appropriated as aforesaid: Therefore, 1828.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said lot, appropriated as aforesaid, may be extended fifteen feet along the west end of said lot, including the alley on that end, and that said lot be extended twenty-five feet along the south side of said lot, including the alley and ten feet of the Seminary lot.

Sec. 2. *Be it further enacted,* That the trustees of said town shall, on or before the first day of September next, designate by corner stones, well fastened in the ground, the boundary of the aforesaid lot, as extended by the provisions of this act; and that the said trustees contract with some suitable person, for the execution of the work aforesaid, the cost thereof to be paid out of the money arising from the town tax.

[Approved, December 31, 1828.]

CHAP. 20.—An ACT for the benefit of Absalom Graves.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Absalom Graves, of the county of Boone, be and he is hereby authorised to erect two gates on his own land, in said county, across the public road leading from Towsey Town to Bulfittsburg meeting-house: *Provided,* that the county court of Boone county, shall have power to order said gates to be pulled down, if, at any time, said Graves shall fail to keep good gates, and in good order.

[Approved, December 31, 1828.]

CHAP. 21.—An ACT for the benefit of the widow and heirs of Richardson P. Hughes, deceased.

WHEREAS it is represented to the General Assembly, Preamble. that Richardson P. Hughes has departed this life, leaving his estate considerably indebted, and that the personal estate of said decedent is insufficient to pay his debts, without a sale of the slaves belonging to said estate, and that it would be more to the benefit of the widow and infant children of said decedent, to sell two tracts of land belonging to said heirs, in the county of Allen, on Big Barren River, containing one hun-

1828.

Allen circuit
court author-
ized to decree
a sale and con-
veyance of a
tract of land.

dred and fifty acres each, and apply the proceeds to the payment of the debts of said decedent: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Absalom Hughes, administrator, and Elizabeth Hughes, administratrix of the estate of the said Richardson P. Hughes, deceased, together with the guardian or guardians of the infant heirs of said Hughes, to apply to the circuit court of Allen county, by bill in chancery or petition, setting forth the grounds upon which they desire the sale of said lands; and if it shall seem to said court, upon a full view of the situation and condition of said estate, that it will be to the interest of the widow and heirs of said decedent to sell said lands, the said court shall have full power to make a decree or order, directing the sale of said lands, upon such credit as they may deem most to the interest of said estate, taking from the said administrator and administratrix, bond with good security, to collect and account for the proceeds of said lands, as though the same was regularly assets in their hands; which bond shall be made payable to the Commonwealth, and conditioned as other bonds of executors and administrators are, and upon which suit may be brought for any defalcation thereof, as in like cases: *Provided, however,* that if there shall be any surplus, after paying the debts of the decedent, of the proceeds of said tracts of land, that such surplus shall pass and descend to the heirs at law of the decedent, in the same manner as lands descend by the laws of this Commonwealth.

[Approved, December 31, 1828.]

CHAP. 22.—An ACT authorizing the Trustees of the Harrodsburg Seminary to sell all, or part of the lands belonging to said Seminary.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Trustees of the Harrodsburg Seminary, to sell all or such part of the lands belonging to said Seminary, as they may deem necessary, for the benefit of said institution, and the moneys arising therefrom, apply to the payment of their debts, and such other purposes as said Trustees may deem necessary, for the benefit of said institution: *Provided, however,* that no sale or sales shall be made, unless two thirds of all the Trustees shall, by an order of their board, direct the sale thereof.

Sec. 2. Be it further enacted, That when any sale shall be made by virtue of this act, it shall be the duty of the said Trustees to cause a report thereof to be made out and recorded in the book or books of said Trustees, specifying therein the number of acres sold, and to whom, and at what price.

1828.

[Approved, December 31, 1828.]

CHAP. 23.—An ACT to amend the law respecting Sheriffs.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where the justices of the peace have, according to the constitution and laws of this Commonwealth, recommended to the Governor, a proper and fit person to fill the office of Sheriff, it shall be lawful for all such persons, after receiving a commission from the Governor, when any vacancy may occur by death, resignation or otherwise, by his predecessor, to apply to the county court of his county and take the oaths of office, and give such bonds as are required by law, and shall hold his said office during the time prescribed by the constitution and laws of this Commonwealth.

Sheriffs when commissioned how to qualify when a vacancy occurs.

[Approved, January 3, 1829.]

CHAP. 24.—An ACT to establish the town of Ashbysburg, in Hopkins county.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the town of Ashbysburg, in the county of Hopkins, shall be and the same is hereby established, containing the following boundary: Beginning at two sugar trees and a small persimmon bush, on the bank of Green River, running thence North 73 West, 92 poles to a stake; thence South 17 West, 92 poles to a stake; thence South 73 East, 88 poles to a stake on the bank of Green River; thence with the meanders of said River, to the beginning; and the streets and alleys, as laid out by a survey made and returned to the county court of Hopkins, shall be the streets and alleys of said town, and bear the several names attached to them in said survey; which survey the county court of Hopkins shall cause to be recorded by their clerk, and a copy thereof posted up in his office, for the information of persons interested in said town.

The town of Ashbysburg established.

1829.

Former proceedings confirm'd

Sec. 2. *Be it further enacted*, That all the acts of the county court of Hopkins heretofore done, preparatory to the establishment of said town, shall be and they are hereby confirmed.

Trustees to convey lots, & to have powers usually granted to Trustees of towns.

Sec. 3. *Be it further enacted*, That the present trustees of the said town of Ashbysburg and their successors in office, shall have full power and authority to convey the lots in said town to the several proprietors thereof; and the said trustees, or their successors in office, shall have all the powers, and be governed by all the laws regulating towns in this Commonwealth, which are general, and not made specially to apply to some particular town.

[Approved, January 3, 1829.]

CHAP. 25.—AN ACT for the benefit of the present and former managers of the turnpike and wilderness road.

Commissioners to draw from keeper of turnpike, any sums due them.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present and former commissioners and overseers be and are hereby authorised and empowered, to draw from the keeper of the turnpike on the wilderness road, so soon as the funds shall come to his hands, any money which shall be due them for services formerly rendered as managers of said road.

A certificate of settlement with county court to be produced.

Sec. 2. *Be it further enacted*, That before they shall be entitled to draw any money as aforesaid, they shall produce to the keeper of said gate, a certified copy of the settlement of their accounts with the respective county courts in which they reside, showing the balance to which they are entitled: *Provided*, the said accounts shall be paid in the order in which they were contracted, and out of the funds which properly belong to the sections of the road, on which the debts were contracted.

Proviso.

[Approved, January 3, 1829.]

CHAP. 26.—AN ACT concerning the town of Henderson.

Trustees to lay a tax for improving the landings on river.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Henderson be, and are authorised to raise a sum of money not exceeding two thousand dollars, by loan or loans on the faith and pledge of the money to

be raised by taxation from the citizens and property of said town, according to existing laws, for the purpose of paying their landings on the river bank of the Ohio, in front of said town, and that such loans may be redeemed out of said taxes, at such times, and in such proportions, as the said trustees in their discretion; may order and direct.

1829.

Sec. 2. *And be it further enacted*, That the said trustees of the town of Henderson, hereafter be authorised to levy and collect, annually, in said town, according to existing laws, the sum of five hundred dollars, instead of the sum of two hundred and fifty dollars, now allowed by law.

[Approved, January 3, 1829.]

CHAP. 27.—An ACT to amend an act entitled, "an act to establish a ferry on the land of James Riddle," approved Dec. 6th, 1822.

WHEREAS by an act of the General Assembly of Kentucky, passed December 1822, a ferry was established on the land of James Riddle, in the county of Campbell, across the Ohio River, to the opposite shore; and whereas it is represented that the said James Riddle is desirous of changing the location of said ferry: Therefore,

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said James Riddle be permitted and have leave and authority, and the same is hereby given him, to remove and change the location of said ferry, and to fix and locate the same at any point upon the Ohio River, within seventy-five poles above the place at which the said ferry is at present fixed and established: *Provided, however*, that nothing in this act contained shall be so construed, as to authorise or entitle said Riddle to fix or locate said ferry upon the land of any other person or persons whatever, without his or their permission or consent.

Sec. 2. *Be it further enacted*, That the said ferry, when removed, shall be subject to the like rules and regulations now in force, in relation to ferries across the Ohio River, in this Commonwealth, and that the said James Riddle and his heirs shall be and remain under the same liabilities and penalties, as are other owners and proprietors of ferries across said River, in this Commonwealth, so long as said ferry shall be continued. *Provided, however*, that nothing in this act contained, shall be so construed as to interfere with the legal or equitable rights of others, or to add to or diminish therefrom.

[Approved, January 3, 1829.]

1829.

CHAP. 28 — An ACT for the removal of the Seat of Justice for Hickman county.

Commissioner's names.

To meet at Columbus on 1st Monday in March.

To select a site for a seat of justice.

Commissioners to take oath.

Owner of the land fixed on, to give a written assent and convey title.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Lynn Boyd and William Curd, of the county of Calloway, Henry Wheeler and Joshua Gough of the county of Graves, and Jonathan D. Martin of the county of McCracken, be and they are hereby appointed commissioners, who, or a majority of them, are to meet at the town of Columbus, in the county of Hickman, on the first Monday in March next, or so soon thereafter as may be practicable, and from thence proceed to explore said county of Hickman, for the purpose of selecting the most eligible situation, at or as near the centre of said county as may be practicable, for the permanent seat of justice for said county, having due regard to the present and future population of said county, and the local advantages of the place to be fixed on; and the said commissioners having fixed on a place for the seat of justice for said county, shall certify the same under their hands to the county court of said county.

Sec. 2. *Be it further enacted*, That the said commissioners shall, before they enter upon the duties hereby enjoined on them by this act, take an oath before some justice of the peace of said county, to act impartially and justly, to the best of their judgment, in the discharge of their said duties. And the said commissioners shall, before they fix upon the place for the permanent seat of justice for said county, obtain from the owner or owners of the land on which they propose to fix the said seat of justice, his or their assent thereto, and a formal declaration thereof in writing, containing the terms of his, her or their agreement with the commissioners, provided the land be owned by an individual or individuals, together with an obligation in writing to convey to the trustees hereby appointed by this act and their successors in office, the legal title to at least fifty acres of land surrounding or adjoining the place so fixed on by the said commissioners, to be by them, the said trustees, laid off into a town, and sold as directed by this act.

Sec. 3. *Be it further enacted*, That any person or persons who may be desirous of contributing to the erection of the public buildings of said county, may make proposals in writing directed to said commissioners, specifying particularly therein, what quantity of land or sum of money he, she or they will give to the

county court of said county, for the purpose of aiding in the erection of the public buildings, and on what terms; which proposals, when the terms thereof shall have been acceded to, shall be binding and obligatory upon the person making the same, and shall be lodged by the said commissioners with the clerk of the county court of said county, and may, if not complied with, be sued on by the justices of said county court, and the amount or value thereof recovered by action in the circuit court of said county, or if the sum does not exceed fifty dollars, to be recoverable before a justice of the peace.

1829.

Sec. 4. *Be it further enacted*, That James W. Gibson, Thomas Helm, William C. Ashburn, William Jordan and Thomas Neal, shall be, and they are hereby appointed trustees, whose duty it shall be, to lay off a town at the place fixed on by the commissioners for the seat of justice for the said county, and having set apart such portion of ground as they may think necessary for the erection of public buildings thereon for said county, shall lay off the residue of the land, appropriated for the purpose of a town, into convenient lots, streets and alleys, and proceed to sell the said lots at public auction for the best price that can be had for them, on such terms of payment as they may think expedient and right, giving reasonable notice of the sale, which sale [shall] be made upon the premises.

Subscriptions to the erection of public buildings, authorized.

Sec. 5. *Be it further enacted*, That if any part of the land proposed to be laid off into town lots under the provisions of this act, shall, by the owner or owners thereof, have been offered to the commissioners and accepted by them, by the way of donation to the county, for the purpose of aiding in the erection of the public buildings, the proceeds of the sale of that proportion of the said lots so offered and accepted, shall be appropriated by the justices of the county court to the erection of the public buildings, and for that purpose shall be subject to their order and disposition; and the residue of the proceeds of the said sales, shall be paid to the proprietor or proprietors of the land on which the said town shall be established.

Trustees to lay off a town, appointed.

If any town lots be given to aid in erecting public buildings, the proceeds thereof to be so appropriated.

Sec. 6. *Be it further enacted*, That so soon as practicable, after the town is laid off, which is contemplated by this act, it shall be the duty of the county court, to proceed forthwith, and cause to be erected, all the public buildings required by law; and so soon as the court house, or some other house which may be provided by the trustees for that purpose, shall be completed,

The county court to erect public buildings as soon as practicable.

1829.

Clerks of circuit and county courts to remove papers.

the circuit and county court shall, at all times thereafter, meet and hold their respective courts at the aforesaid place, which shall be and remain the permanent seat of justice for said county; and so soon as some place shall be provided by the county court or trustees for a clerk's office or offices, it shall be the duty of the clerk or clerks of said county, to remove all the public records and papers to the contemplated town, within twenty days after being notified by the county court or trustees, that an office or offices are ready for his or their reception.

Compensation to commissioners.

Sec. 7. It shall be the duty of the said county court, to allow to the commissioners one dollar and fifty cents per day each, for their services, and to pay the same, together with all other expences necessary for effecting the objects of this act, out of any donation made to the county by the proprietor or proprietors of said town, out of the county levy, or out of any depositum that may be in the hands of the sheriff.

County court to fill vacancies in trustees.

Sec. 8. The county court shall have full power, from time to time, to fill vacancies which may happen in the board of trustees, and the said trustees, or a majority of them, may designate a suitable name for said town, streets and alleys, as soon as it is laid off.

Trustees to take an oath of office.

Sec. 9. Before the trustees enter upon the duties assigned them by this act, they shall take an oath before some justice of the peace of said county, well and truly to discharge the duties of trustees, so long as they continue in office, to the best of their knowledge and ability; and it shall be the duty of the trustees to convey to the purchasers the lots sold by them, so soon as the consideration shall be paid, and from time to time to pay over to the county court, or to their order, all sums of money they may collect or receive, and any donations made to said county, and at all times to settle and account to said court or their commissioners appointed for that purpose; and shall have full power and authority to make such regulations for the government of said town and the inhabitants thereof, as to them shall seem expedient, if not contrary to existing laws prescribing the duties and powers of trustees for the government of other towns.

160 acres of public land given, should the site be fixed on public land.

Sec. 10. *Be it further enacted,* That should the commissioners fix said seat of justice upon any vacant and unappropriated lands belonging to this Commonwealth, the said trustees are hereby authorised and empowered to appropriate one hundred and sixty acres for that purpose, and may lay off the same into such lots as to

them shall seem expedient, who shall be hereby authorised and vested with full power to make sale of and convey the same, as directed by the fourth section of this act: *Provided, however,* that before they proceed to make said sale, they shall elect one of their own body as a treasurer, who shall at the next county court thereafter, enter into bond with good and sufficient security, to be approved of by the said court, in the sum of two thousand dollars, payable to the Commonwealth of Kentucky, for the faithful performance of his duty as treasurer.

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Proviso.

Sec. 11. It shall be the duty of the said treasurer, to receive all moneys arising from the proceeds of the sale of said lots, and after deducting five per cent. for his services, shall pay over one half the proceeds of said sales into the treasury of this Commonwealth, and the balance to the county court, to be by said court applied to the erection of the public buildings in said town.

Treasurer's duties & pay.

[Approved, January 3, 1829.]

CHAP. 29.—An ACT to establish election precincts in certain counties.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Campbell, called and known by the names of the Cruiser's Creek and Bank Lick settlements, shall compose an election precinct, to be called the Cruiser's Creek and Bank Lick precinct, the elections therein to be held at the house of William Bagby: *Provided, however,* that nothing in this act contained, shall prevent the qualified voters residing in said precinct, from voting at the court-house of the county, or at the precincts where they are now allowed to vote by law, if they shall elect to do so.

Cruizer's creek and Bank lick precinct in Campbell co.

Sec. 2. *Be it further enacted,* That all that part of Daveiss county, lying on the south side of Panther Creek, shall constitute an election precinct, and the elections therein shall be held at the house of Higginson Pedicord.

Precinct in Daviess co.

Sec. 3. *Be it further enacted,* That all that part of Fayette county, included in the following bounds, viz. commencing at the intersection of the Iron Works and Limestone roads; thence with said Iron Works road to the Henry's Mill road; thence with the said Henry's Mill road to the Scott county line; thence with the Scott

North Elkhorn precinct in Fayette co.

1829.

and Boushon county lines to the Limestone road; thence with said road to the beginning, shall compose an election precinct, to be called the North Elkhorn precinct, the elections to be held at the house owned and lately occupied by Major William Sanderson, deceased, and recently kept as a tavern by Notley Maddox.

Precinct in
Greenup co.

Sec. 4. *Be it further enacted*, That all that part of the county of Greenup, commencing at the mouth of Stone Coal Creek and up the same to the State road, and with that road to the dividing line between the counties of Lewis and Greenup, and with that line to the Ohio river, and up the river to the mouth of Stone Coal, shall be one election precinct, and the elections in said precinct shall be held at the Enterprize Forge, on Tygart's creek.

Chappel pre-
cinct, in Clay
and Perry
counties.

Sec. 5. *Be it further enacted*, That all that part of the counties of Clay and Perry, lying on the middle fork of the Kentucky river, and above the mouth of Hurricane creek, shall constitute one precinct, known by the name of the Chappel precinct, and all the qualified voters in said precinct shall vote at the house of George Chappel.

County courts
to appoint ne-
cessary officers
to attend pre-
cincts.

Sec. 6. It shall be the duty of the several county courts of the counties in which precincts are established by this act, to appoint the necessary officers to conduct the elections in said precincts, and the sheriffs, clerks and judges, shall conform to the same rules and regulations, and receive the same compensation, as the law allows in similar cases: *Provided, however*, that nothing herein contained, shall prevent any of the qualified voters in any of said precincts, from voting at the court-houses of their respective counties, as heretofore, if they shall elect so to do.

Voters may
still vote at
court-houses,
as usual.

Spencer coun-
ty court to ap-
point addition-
al officers of
elections, to o-
pen polls at Mt
Eden & Joseph
L. M'Gee's.

Sec. 7. *Be it further enacted*, That the county court of Spencer county, at the time it shall appoint judges and clerks to preside at its elections, shall appoint four additional judges and two clerks; two of the judges and one clerk, shall, attended by the sheriff of the county or his deputy, at Mount Eden in said county, and two of the judges and one other clerk, with the sheriff or his deputy, shall attend at the mill of Joseph L. M'Gee in said county, and shall open polls at each of the aforesaid places, whenever an election is directed by law to be held for said county, where the voters of said county may attend and give in their votes; and at each of the aforesaid places, the said judges, clerks and sheriffs, shall conduct the elections in the same manner and subject to the same rules and regulations as is now

required by law, when the polls are opened at the court-house. 1829.

Sec. 8. *Be it further enacted*, That the sheriff of said county shall, at the court-house in Taylorsville, on the Friday after the election, compare the polls and votes given at the court-house and precincts; and after a faithful, just and true comparison, to be governed in the same manner and subject to the same regulations, as if the whole of the votes had been given at the court-house.

Sheriff to compare all the polls at court-house on the Friday following.

Sec. 9. *Be it further enacted*, That hereafter the election in the election precinct in Hardin county, shall be held at Sipes' old mill, instead of William Breathett's as heretofore.

Place of election in eastern precinct Hardin county changed.

Sec. 10. *Be it further enacted*, That hereafter elections in the Beaver Pond precinct in Montgomery county, shall be held at the house of Robert Gay, on Red river, instead of Strode Benefield's, as heretofore.

Place of voting in Beaver pond precinct, Montgomery county, changed.

[Approved, January 3, 1829.]

CHAP. 30.—An ACT further to regulate the powers of the Trustees of South Frankfort.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, it shall and may be lawful for the board of Trustees of the town of South Frankfort, at any meeting of said board in the month of March next, to proceed and elect a clerk and treasurer for said board, who shall severally hold their offices for the term of one year; and said board shall annually thereafter, elect said officers, any law or usage to the contrary notwithstanding.

Trustees authorized to elect a clerk & treasurer.

Sec. 2. That said board of Trustees, or a majority of them are, and they shall be, authorized and empowered to make by-laws, not incompatible with the constitution and laws of this Commonwealth, for the good government, regulation and police of said town.

Trustees to make by-laws.

[Approved, January 3, 1829.]

CHAP. 31.—An ACT to legalise the proceedings of the courts of assessment of the 71st and 34th regiments of Kentucky Militia.

WHEREAS it is represented to the present General Assembly, that the officers of the 71st and 34th regiments of Kentucky militia, were unapprised of the

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change in the time appointed for holding their courts of assessment in the year 1828, and held the same on the last Monday in November, instead of the last Monday in October, as provided by law.

Be it therefore enacted, That the proceedings of the said courts of assessment, and the fines assessed by them upon delinquents, on the said last Monday in November, shall be as valid to all purposes, and shall be enforced in the same manner as if said court had been held, and said proceedings had on the last Monday in October.

[Approved, January 3, 1829.]

CHAP. 32. An ACT to establish the county of Hancock out of the counties of Breckinridge, Daveiss and Ohio.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the 4th Monday in March 1829, all that part of the counties of Breckinridge, Ohio and Daveiss contained in the following bounds, to-wit: Beginning on the Ohio river at a point known and called by the name of "Tindall's old landing;" thence a straight line, crossing the road leading from Hardinsburgh to the Yellow Banks at the north end of the farm now occupied by Mrs. Frances Williams to Lewis Martin's, immediately on the Ohio county line, including said Martin in the new county; thence a straight line to a point in the Ohio and Daveiss county line, one mile northeast of Richard L. May's; thence a straight line to a point forty poles N. E. of Byers' horse mill; thence a line to the mouth of the Scaffold lick branch, so as to leave William Head and Samuel Barker in the county of Daveiss; thence down Blackford creek to the mouth; thence up the river to the beginning, shall be one distinct county, called and known by the name of Hancock, in honour of the late John Hancock, a president of Congress in the time of the revolution.

Hancock co. erected out of parts of Breckinridge, Daveiss and Ohio counties.

Sec. 2. The justices of the peace for the county of Hancock, who are directed to be appointed by this act, shall meet at the house of James Dupey, in said county, on the fourth Monday in March, 1829, and after taking the necessary oaths of office, and after qualifying the sheriff agreeably to the constitution and laws of this State, shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in commission in and for said county, shall be necessary;

Justices of the peace therein, to meet on 4th Monday in March and appoint a clerk.

but if such majority cannot be obtained in favor of any one candidate, then they shall appoint one *pro tem*.

1829.

Sec. 3. The county courts shall be held on the fourth Mondays in every month, except the months in which the circuit courts shall be held, and the circuit courts shall be held on the fourth Mondays of April, July and October, and may, if necessary, continue to sit six judicial days, and shall form a part of the 14th judicial district.

Days on which circuit and county courts to be held.

Sec. 4. The circuit and county courts of Breckinridge, Ohio, and Daveiss, and the justices of the peace therein, shall have jurisdiction over all matters in law and equity instituted prior to the fourth Monday in March, 1829. Jurisdiction.

Sec. 5. It shall be lawful for the sheriffs or collectors in Breckinridge, Ohio and Daveiss counties, to collect all fines and moneys, and to execute all process, writs and executions, as the law directs, which were put into their hands prior to the fourth Monday in March next, and account for the same as if this act had not passed.

What sheriff to execute process to fourth Monday of March.

Sec. 6. The county court of Hancock county shall appoint commissioners of tax for the year 1829, who shall perform all the duties and be governed by the laws regulating commissioners of tax in this State; and the clerk of the county court shall, in like manner, perform his duty in relation thereto.

Commissioners of tax to be appointed.

Sec. 7. The permanent seat of justice for the county of Hancock shall be, and the same is hereby fixed at the mouth of Lead creek, on the land of Richard Hawes, and shall be called and known by the name of Hawesville; and it shall be the duty of the county court of Hancock county, as soon as practicable, to cause the necessary public buildings to be erected, and in every other respect lay off and do that which may be necessary in the establishment of said town.

Seat of Justice.

Sec. 8. That eight suitable persons shall be appointed and commissioned as justices of the peace for said county of Hancock, and also a sheriff and coroner.

Eight justices allowed.

Sec. 9. The sheriff of either county in making his settlement with the county court of Hancock, or their agent, shall be entitled to retain in his hands, a sufficient sum to pay the demands of the several paupers that are now living within the bounds of the said county of Hancock.

Provision as to paupers.

1829.

Duty of the surveyor in running the lines of said county.

Sec. 10. It shall be the duty of the surveyor of the county of Breckinridge, to meet at the house of James Dupey, and thence proceed to run the said county lines, and to employ chain carriers and a marker to mark the same; and the said surveyor shall receive for his services, two dollars per day, to be paid by Hancock county out of their first county levy.

[Approved, January 3, 1829.]

CHAP. 33.—An ACT to allow additional Justices of the Peace to the counties of Todd and Mason.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional justice of the peace be allowed to the county of Todd; and an additional justice of the peace to the county of Mason.

[Approved, January 3, 1829.]

CHAP. 34.—An ACT to establish an election precinct in Anderson county, and for other purposes.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Anderson county within the following boundary: Beginning at a point on the Shelby county line, due west from the house of Bennet Ceders; thence on the Shelby, Spencer and Nelson county lines, to the dividing line of Washington and Anderson counties; thence on the said dividing line to the Mercer county line; thence in a direct line to Samuel B. Petty's house on Salt river; thence in a straight line to the point where the road leading from Lawrenceburg to Connersville crosses Benson; thence up Pigeon fork of Benson to the beginning, shall constitute an election precinct in the said county of Anderson, and the qualified voters in said precinct shall vote in all legal elections at the house of John Morgan on Salt river: Provided, that it shall be lawful for any of the voters residing within said precinct to vote at the court house, if they shall so elect.*

Sec. 2. The county court of Anderson, at the time they appoint judges and clerk of election at the court house, shall also appoint judges and a clerk to take the votes in said precinct; and the sheriff or his deputy, shall attend at the place herein appointed for holding elections in said precinct, and conduct the same.

1829.

Sec. 3. The sheriff of Anderson shall, on the Saturday succeeding any election as aforesaid, cause the votes taken at the court-house, and those taken within said precinct, to be carefully compared, and make return according to law.

Sec. 4. *And be it further enacted,* That the elections held in Trenton, in Todd county, shall hereafter be held at the house of Edmund Sherman, instead of Roger Sherman.

Sec. 5. *Be it further enacted,* That the county court of Hickman county shall, whenever said court appoints judges and clerks of election, appoint four additional judges and two clerks; two of the judges and one clerk, attended by the sheriff of the county or his deputy, shall, whenever an election is directed to be held at the court-house, open polls at the town of Hickman; and two other of the said judges and one of the clerks, attended in the same manner by the sheriff or his deputy, shall open polls at the house of William Hollman in said county, where the voters of said county may attend and give in their votes; and at said precincts the elections shall be conducted in the same manner, and under the same rules and regulations as are now directed by law, when elections are held at the court-house.

Sec. 6. *Be it further enacted,* That on the next Monday after the election, the sheriff of said county shall attend at the court-house in said county, and then and there faithfully compare the polls, and ascertain the number of votes given at the court-house and precincts, and in making out their certificates of election, to be governed in the same manner as if the votes had been given at the court-house.

Sec. 7. *Be it further enacted,* That hereafter elections shall be holden at Buford's spring on Casey's creek, instead of Cornelius Burnett's, in the Burnett precinct in Trigg county.

[Approved, January 3, 1829.]

CHAP. 35.—An ACT for the benefit of James Climore, Sen.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the land office be, and he is hereby directed, on the application of said Climore, to issue to him a land warrant for fifty acres of land, without the state price being paid for the same, which may be located on any waste and unap-

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propriated land in the county of Casey, which shall in all respects be governed by the laws now in force for the appropriation of the vacant lands of this Commonwealth.

[Approved, January 3, 1829.]

CHAP. 36.—An ACT for the benefit of Abner W. Quinn.

WHEREAS Abner W. Quinn, sheriff of Estill county, failed to return his delinquent list as collector of fines assessed by the court of assessment for the 78th regiment of the militia of this State, for the year 1827: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the commandant of the 78th regiment of the militia of this Commonwealth, to receive the delinquent list of Abner W. Quinn, sheriff of Estill county, as collector of fines for said regiment for the year 1827, under the same rules and regulations as though said list had been tendered to the court of assessment of said regiment; and the certificate of the commandant of said regiment as to said delinquent list, shall be received and duly regarded by the paymaster of said regiment, in his settlement with said Quinn.

[Approved, January 3, 1829]

CHAP. 37.—An ACT to incorporate the Covington Cotton Manufacturing Company, in the town of Covington, Campbell county, Kentucky.

Preamble.

WHEREAS it has been represented to the present General Assembly, that considerable sums of money have been expended in the purchase of lots, the construction of machinery and the erection of buildings in the town of Covington, for the purposes of manufacturing and printing, wool, cotton, silk, flax and hemp, in their several and various branches; and that the present proprietors are unable to carry into full effect the objects of their undertaking, have solicited an act of incorporation: Therefore,

Shareholders
incorporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Charles Macalister, jr. Edward Yorke, Robert Buckhannon, Edward Macalister, William Whitehead and William Yorke, and such others as shall hereafter become shareholders, in the

1829.

manner herein directed, shall be and are hereby erected into and made a corporation and body politic, by the name, style and title of "The Covington Manufacturing Company," and shall so continue until the first day of January 1879, and by that name are hereby made able and capable in law, to have, purchase and receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature or quality soever, to an amount not exceeding their capital stock; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity, or in any other place whatever; and also to ordain, establish, and put into execution, such by-laws, ordinances and regulations as shall seem to them necessary and convenient for the government of said corporation, and which are not contrary to the laws of this State; and generally to do and execute all and singular the acts, matters and things, which to them it shall and may appertain to do; subject, nevertheless, to the rules, regulations, restrictions and limitations hereinafter prescribed.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and the president and directors of said company, may direct subscriptions to be opened to fill the number of shares hereby authorised, under such regulations as they may deem advisable and to the interest of said corporation; but so soon as the sum of thirty thousand dollars of said capital stock, shall have been subscribed, paid or satisfactorily secured to be paid, it shall and may be lawful for said company to commence their said business, and with that capital, conduct and carry it on until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorised to do, from time to time, the amount herein before mentioned.

Sec. 3. *Be it further enacted*, That the persons who shall before the time of subscribing for stock have been interested in said establishment, by advancing any amount of capital equal to or exceeding one hundred dollars, shall have the right of subscribing, at par, the amount of their expenditures respectively, as stock in said institution, and to the extent of such subscription, shall be considered stockholders.

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Book for subscription of stock to be opened.

Officers to be elected.

Sec. 4. *Be it further enacted*, That books for the subscription of said stock shall be opened and kept open for any number of days, not exceeding thirty, under the superintendence and direction of Robert Buckhan-
non, Edward Yorke and William Yorke.

Sec. 5. *Be it further enacted*, That persons now interested in said manufactory, or a majority of them, shall meet at the house of Alexander Connelly, in the town of Covington, within one hundred and twenty days after the passage of this act, for the purpose of electing a president and four directors, who shall continue in office until the first day of January, one thousand eight hundred and thirty, and the shareholders shall meet on the first Monday in January, in every year thereafter, for the same purpose, at a place to be designated by the president and directors then in office, for that purpose, of which notice shall be given at least fourteen days, in some newspaper most convenient to the town of Covington, and also in one of the newspapers printed in the City of Cincinnati. The president and directors shall continue in office one year from and after the time of their election; and in case it shall at any time happen, that an election of president and directors should not be made at the time required by this act, the said corporation shall not, for that cause, be deemed dissolved; but it shall be lawful for the president and directors who were last in office, to continue as such until there is a new election; and it shall be their duty, in a manner which shall be regulated by their by-laws, to appoint another day for the election of president and directors, to serve for the remainder of the year. In the event of death, resignation or removal from the State, or of refusal to act as a president or director, his place may be supplied by a new election of the shareholders, at a meeting specially called for that purpose.

A quorum.

Sec. 6. The president and two directors, or three directors in the absence of the president, shall form a board; and the president and one director, shall have the power to call a general meeting of the shareholders.

Company may employ clerks, &c.

Sec. 7. The president and directors for the time being, shall have power to employ such managers, mechanics, clerks, or servants, as they may think necessary for the business of the corporation, and to allow them such compensation for their services as they may deem proper, and require security for the faithful discharge of their several functions and trusts; and shall

be capable of exercising such other powers and authorities for the well governing and conducting the affairs of said corporation, as may be directed and described by the ordinances of said corporation.

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Sec. 8. The said corporation shall be allowed to manufacture woollen, cotton, and other goods and machinery, as they may think most advantageous; and shall be allowed to buy, sell or exchange, any raw material or article for their use, and for the accommodation of their manufactory.

Goods, &c to
be manufac-
tured.

Sec. 9. At the annual and general meeting of the shareholders, the president and directors shall lay before them a statement of the accounts, with such other information as they may think necessary, when such dividends shall be declared as they may think advisable.

Accounts, &c.
of the compa-
ny to be laid
before share-
holders.

Sec. 10. *Be it further enacted,* That each shareholder or shall be entitled to a certificate for each one or more shares of the stock so by him subscribed, attested by the president of the said corporation for the time being, sealed with the seal of the corporation, if there be one, and if not, then with his private seal; and such certificate, being assigned, shall transfer to the assignee or holder all the interest which the assignor had in the share or shares mentioned in such certificate; and no shareholder having taken out such certificate, nor any assignee of such certificate, shall be entitled to receive any dividend, or vote, or exercise any other privileges of a shareholder, only upon the production of the said certificate, unless he shall make solemn affidavit, before some county or circuit court of this State, that he was the rightful owner of such certificate, stating the manner in which he so became the owner, and that the same has been, without his knowledge or consent, lost or destroyed; and a copy of such affidavit, certified by the clerk of such court, with the seal of the court annexed, shall be filed with the board of directors and noted upon their records; and a new entry shall be made in their books, transferring the stock mentioned in such affidavit to him who was thus the rightful owner; and any assignee of a certificate may, by filing the same with the directors, have the stock transferred on the books to him, and entered in his name; but no court shall be concluded by such affidavit or certificate, but shall, upon proper application, investigate the claims of others to such share or shares, and shall render judgment or decree in favor of the person entitled to such share or shares, and the president and directors shall be bound thereby.

Certificates of
stock.

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Notes how given.

Sec. 11. The number of votes to which each shareholder may be entitled, at a general meeting, shall be according to the number of shares he may hold, in the following proportion; For one share, and not more than two, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every five shares above ten, one vote; but no person, copartnership, body politic or corporate, shall be entitled to a greater number of votes than thirty; and at all elections, votes by proxy may be given, subject to the rules of the directory.

Not to possess banking powers.

Sec. 12. *Be it further enacted*, That the said corporation shall not possess any power to loan or receive any moneys on deposit for the purposes of discount, or in any wise to issue paper for the purposes of banking; and if at any time hereafter, they presume to exercise any such powers, this charter shall be considered forfeited, and shall be so declared, by any court before whom any controversy involving that question, shall be depending.

Process, how served on the company.

Sec. 13. *Be it further enacted*, That in all suits brought against said company, service of process upon the president and directors, or a return as to any one or more of them, "no inhabitant," in the same manner as proceedings are had against joint obligors, shall be deemed and taken a sufficient service upon the whole of said company; and upon such service, any of the said company shall have the right, at the first term next thereafter, to appear to such suit and defend the same in his or her own name, either severally or jointly with the president and directors; and in case judgment be rendered against the defendants, it shall be against the company by their corporate name, and execution shall issue against the estate of the company; and each and all the shareholders shall be liable, in their individual estates, to the payment of any and all judgments or decrees had against the company, to be made of the joint or common property of the company, if there be sufficient, and if not, then of the property of the individual shareholders; and that when the execution against the company shall, by the sheriff of the county where the judgment was obtained, be returned, as to the joint effects of the company, "no property found," then another execution may be sued out with that endorsement on the same, and upon such execution, with such endorsement made thereon, the sheriff or other officer may and he is hereby directed, to make said execution out of the private property of any of the company, who

Shareholders liable for demands against the company.

were members of the company when the debt was contracted; and any member of the company, when a debt was contracted, shall not exempt himself from the payment of the debt, by his selling out his interest in said company, but as to that debt shall always be considered a member of said company.

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Sec. 14. *Be it further enacted*, That upon the application of any person to the president or board of directors for that purpose, he or they shall cause to be made out and duly certified, a list of all the names of the shareholders in said institution, at any period required by the applicant; which list shall be signed or countersigned by the president of said board, with the seal of the corporation thereto affixed, if any, for which the applicant shall pay to the clerk or board, one dollar, at the time of delivery.

Names of the
shareholders
to be given.

[Approved, January 3, 1829.]

CHAP. 38.—An ACT to allow David Hamilton to establish a gate across the road leading from Middle Creek Salt Works to Abbot's creek, by way of said Hamilton's.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That David Hamilton, of Floyd county, shall be authorized, upon his own land and at his own expense, to erect a gate across the county road leading from Middle creek salt works to Abbot's creek in said county, by way of said Hamilton's residence: *Provided*, that the free passage between the posts of said gate, shall be at least nine feet, and that the same, when erected, shall not present any obstruction to the traveller or passenger, or to any wagons, carriages, sleds, &c. or to the free passage of live stock, or other property, driven, taken or carried along said road: *And provided further*, that the said gate shall be so made, as to be easily opened by any one desiring to open the same; and if said Hamilton, or any occupant of the land who may succeed him, shall violate this act, or suffer said gate to become a hindrance or obstruction to passengers, or to their property, he or they, so offending, shall be liable to all the pains and penalties of having obstructed said road, in the same manner and to the same extent, as though this act had not passed.

[Approved, January 5, 1829.]

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CHAP. 39.—An ACT appointing commissioners to lay off and mark a State road from Bowling-Green to Smithland, in the county of Livingston.

WHEREAS it is contemplated to improve the stage road from Bowling-Green, in Warren county to Smithland, in Livingston county: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the surveyors of Warren, Logan, Todd, Christian, Caldwell and Livingston, be, and they are hereby appointed commissioners, respectively for their several counties, whose duty it shall be, some time in the month of September next, to survey the present road leading through Shakertown, in Logan county, Russellville, Elkton, Hopkinsville, Gainesburg, Princeton, Centreville, Salem, and thence by William Rice's, to Smithland. The surveyor of Warren county to begin at Bowling Green, and the surveyors of the other counties to begin where the present road enters the eastern border of their respective counties; and they shall note the points where all streams of water are crossed, and county lines on said road, and shall designate the same on his plat, and shall then cause a straight line to be run and marked from the following points: From Bowling-Green to Shakertown; thence to Russellville; thence to Elkton; thence to Hopkinsville; thence to Gainesburg; thence to Princeton; thence to Centreville; thence to Salem; thence to William Rice's; and thence to Smithland.

Further duty of commissioners.

SEC. 2. *Be it further enacted*, That it shall be the duty of said surveyors, to meet in the town of Hopkinsville on the second Monday in October next, and then and there compare notes and plats; and they shall immediately thereafter run the straight lines as above directed, having each made out one connected plat, showing the whole road, which shall be returned and recorded in the clerk's office of their respective county courts.

County courts to cause said road to be opened.

SEC. 3. *Be it further enacted*, That it shall be the duty of the several county courts, through which said road passes, if to them it shall seem proper, to cause the said road to be viewed and opened, as marked, unless from the nature of the ground, or other obstacles and objections, it shall be found impracticable, and then, in that event, the several county courts as aforesaid, shall cause said road to be opened, as near the straight line as convenient, having first observed the laws in re-

lation to public highways, requiring writs of *ad quod damnum*, and other proceedings required by law.

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Sec. 4. *Be it further enacted*, That each surveyor shall employ two chain carriers and a marker, who shall be sworn to act faithfully and impartially, and the surveyor shall be entitled to two dollars per day for each day he may be employed in surveying and making out a plat of said road, and the chain carriers and markers shall be entitled to one dollar per day each, to be paid out of the respective county levies, to be levied at their next court of claims.

Pay to com'rs.
and others.

Sec. 5. That said road, when opened, shall be under the jurisdiction of the several county courts, as other roads in this Commonwealth: *Provided, however*, that such jurisdiction shall not be construed to authorise said courts to alter or change said road, or any part thereof, when once established.

County courts
to have juris-
diction over s'd
road.

Proviso.

[Approved, January 5, 1829]

CHAP. 40.—An ACT for the benefit of Jesse Crume.

WHEREAS, a number of years ago, Isaac Bridwell sold to Jesse Crume, thirteen acres of land, on the east fork of Cox's creek, including the bed of said creek, to enable said Crume to erect a mill thereon; the price of the land was eight dollars per acre, which was paid said Bridwell, and said Crume took possession of said land, and erected a mill thereon; after that, to wit, in eighteen hundred and twenty-two, said Bridwell departed this life, leaving a number of children who are infants; that no deed was made for said land in the lifetime of Bridwell, nor did any writings pass between them. Owing to that circumstance, said Crume cannot obtain a deed; nor can the heirs make him one, on account of their infancy: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon said Crume exhibiting his bill in the Spencer circuit court, where said land or a part thereof is situate, against the heirs and the administrator of said Bridwell, and upon his proving by competent testimony, the nature and extent of the contract, and that he has paid for said land, and that the same has been sold for a full and fair price, and that it is to the interest of the infants, the said court shall have full power and authority to decree, that said heirs shall make to said Crume such deed as their an-

1829. *cestor was bound from contract to make, any law now in force to the contrary notwithstanding.*
 [Approved, January 5, 1829.]

CHAP. 41.—An ACT allowing additional Justices of the Peace and Constables to certain counties.

Additional justices to Christian. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Christian shall be entitled to one justice of the peace, in addition to the number now allowed by law.

Sec. 2. *Be it further enacted,* That there shall be allowed an additional justice of the peace to Anderson county; that there shall be allowed an additional justice of the peace to Cumberland county; that there shall be allowed an additional justice of the peace to the county of Warren; that there shall be allowed an additional justice of the county of Butler; that there shall be allowed an additional justice of the peace to the county of Knox; that there shall be allowed an additional justice of the peace for the county of Campbell; and there shall be allowed two additional justices of the peace to the county of Casey.

To Anderson.
 To Cumberland.
 To Warren.
 To Butler.
 To Knox.
 To Campbell.
 Two to Casey.

Sec. 3. *Be it further enacted,* That there be allowed an additional constable to the county of Franklin, to reside in South Frankfort, in said county; that there be allowed two additional constables to Scott county; and two to Lincoln county; that there be allowed one additional justice of the peace for Harlan county, and one additional constable for Hardin county.

Constable to Franklin.
 Two to Scott.
 To Lincoln.
 J. P. to Harlan.
 Constable to Hardin.

[Approved, January 5, 1829.]

CHAP. 42.—An ACT to regulate the precincts in the north of Washington county, and to change the place of voting in the south precinct.

Precinct in Washington county. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Washington county north of the Beech fork, and west of the old Frankfort road, shall constitute an election precinct, the votes to be taken at the house of Thomas Yocum.

Another precinct in same county. SEC. 2. *Be it further enacted,* That all that part of Washington county north of the Beech fork and east of the old Frankfort road, shall constitute an election precinct, the votes to be taken at the house of John Rochester in the town of Maxville.

Sec. 3. *Be it further enacted*, That it shall be the duty of the county court of Washington county, at the time they appoint judges and clerks of elections, to appoint judges and clerks, whose duty it shall be to attend at the precincts hereby established. 1829.
Co. court appointed judges &c

Sec. 4. *Be it further enacted*, That it shall be lawful for the qualified voters residing in the precincts hereby established, to vote at all elections required to be holden by the constitution and laws of this state, at the respective places herein designated: *Provided*, nothing herein contained shall prevent any of the qualified voters from voting at the court-house. Voters authorized to vote at precinct or court-house.

Sec. 5. *Be it further enacted*, That it shall be the duty of the sheriff of Washington county, to attend the election precincts hereby established, either by himself or deputy, at all elections required by law. Sheriff or deputy to attend the precincts.

Sec. 6. *Be it further enacted*, That the voters residing in the south precinct of Washington county, shall, from and after the passage of this act, vote at the new store house of John Pope, in said precinct, instead of the house of Robert Burnett, where the votes are now taken. Votes in south precinct where taken.

Sec. 7. *Be it further enacted*, That all acts or parts of acts coming within the purview of this act, shall be and the same are hereby repealed. Repealing clause.

[Approved, January 7, 1829]

CHAP. 42—An ACT to establish an Election Precinct in Daveiss county.

SEC. 1 *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Daveiss county lying on the East of a line drawn from the mouth of Blackford's creek to the Ohio county line at Basset Burton's, be an election precinct, and that the qualified voters in said precinct are authorised to meet at the house of Thomas Gore, and give their votes, at all general elections: *Provided, however*, that nothing herein shall prevent any qualified voter, residing in said precinct, from voting at the court-house, in the same manner he might have done had this act not have passed, subject to all the penalties heretofore enacted against voting twice at elections. Boundary of precincts.
Voters therein may vote at court-house.

Sec. 2. *Be it further enacted*, That the county court of said county, at the time they appoint judges and clerks to the general election, shall appoint judges and clerk to attend the elections in said precinct, who shall County court to appoint judges, &c to attend at precinct.

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possess the same power and receive the same compensation as other judges and clerks of elections; and the sheriff of Daveiss county, by himself or deputy, shall attend all elections in said precinct; and the sheriff, judges and clerk, shall, in all respects, be governed by the same rules, regulations and restrictions, as judges, sheriffs and clerks are directed by law, in similar cases.

Sheriffs to meet
and compare
polls.

Sec. 3. *Be it further enacted*, That the sheriffs or deputy sheriffs attending the several election precincts in this county, shall meet the sheriff or deputy attending the elections held at the court-house, on the Friday next after such elections, at the court-house, in said county, to compare the polls and grant certificates of election, according to law.

[Approved, January 7, 1829.]

CHAP. 44.—An ACT to review a part of the state road leading from Franklin to Owenborough.

WHEREAS great dissatisfaction prevails among the citizens of Butler and Ohio counties, in relation to the location of the state road between Morgantown and Hartford: Wherefore,

Names of commissioners and
their duties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Baird and Robert Barnett, of Ohio county, and James Tyler and George Bomar, of Butler county, be and they are hereby appointed commissioners, a majority of whom may act, whose duty it shall be to view and mark out the best, most direct and practicable way for that part of the state road leading from Franklin, in Simpson county, to Owenborough, in Daveiss county, which lies between Morgantown and Hartford.

Time when
they shall com-
mence their
work.

Sec. 2. *Be it further enacted*, That the aforesaid commissioners shall, on or before the first Monday in September next, or as soon thereafter as may be convenient, meet at Morgantown, and from thence proceed to perform the duties enjoined by this act; and the said commissioners shall receive the same compensation, and be governed in all respects by the provisions of the act entitled, "an act providing for opening a road from Franklin to Owenborough, on the Ohio river," approved January 7, 1824.

[Approved, January 7, 1829.]

CHAP. 45.—An ACT for the benefit of the Heirs and Representatives of Thomas D. Andrews, deceased.

1829.

WHEREAS it is represented to the present General Assembly, that Thomas D. Andrews, in his life time, did, by parol, sell to Samuel Henry, inlot No. 73, situate in the town of Flemingsburg, at the price of three hundred dollars, payable in the paper of the bank of the Commonwealth of Kentucky, and that he paid nearly all the purchase money, and is willing, upon getting a deed, to pay the balance thereof, and that it would conduce to the interest of the infant children of said Andrews, that said contract should be carried specifically into execution; but by reason of his death, it requires legislative interposition: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for John Andrews (the guardian of the infant heirs and representatives of Thomas D. Andrews, deceased) to file their petition in the Fleming circuit court, (verified by his oath,) setting forth the facts and circumstances attending said sale, and of the situation of said infants' estate; and the said court is hereby directed to hear, by parol, the evidence of any witness that may be produced; and upon hearing of the cause, the said court shall be of opinion, that it will be to the interest of said infants, that said contract shall be carried into specific execution, to order and decree that the said John Andrews, guardian as aforesaid, convey said lot of ground to said purchaser for and on behalf of said infant heirs; which said deed, when executed, shall vest the legal title in said purchaser, as effectually as if it had been executed by said decedent, in his life time.

[Approved, January 8, 1829.]

CHAP. 46.—An ACT to reduce the price of the vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter it shall and may be lawful for any actual and *bona fide* settler with a family; who at the passage of this act, resides within the land district west of the Tennessee river, to enter with the receiver of public moneys for said district, one quarter section of land, at twenty-five cents per acre.

Actual settlers may enter land at 25 cents per acre.

1829.

Persons who become settlers within twelve months to have the same privilege.

Proof to be made, & certificates of settlement obtained.

Land occupied not to be entered by any one but the occupier.

Clerk's fee for a certificate.

No one to enter more than 1 quarter section under this act.

Proviso.

Sec. 2. *Be it further enacted*, That for the purpose of encouraging the settlement and improvement of the vacant lands in said district, it shall be lawful for any person, who, within twelve months after the passage of this act, becomes an actual and *bona fide* settler in said district, agreeably to the provisions of the first section of this act, shall be permitted to enter one quarter section of land, at the price stipulated above.

Sec. 3. *Be it further enacted*, That for the purpose of enabling the receiver of public moneys to ascertain who are actual and *bona fide* settlers, under the provisions of this act, it shall be lawful for such settlers to go before the county or circuit court of the county in which he or she resides, and make satisfactory proof to said court, that he or she is an actual and *bona fide* settler in said county; and said court, on being satisfied of the same, shall direct their clerk to give him or her a certificate of the same, to the receiver of public moneys west of the Tennessee river; and on said certificate being presented to said receiver, it shall be his duty, and he is hereby directed, to allow said settler to enter any quarter section of land, on which he or she resides, not heretofore taken, at twenty-five cents per acre.

Sec. 4. *Be it further enacted*, That it shall not be lawful for any person to enter any quarter section or fractional quarter section of land, which has been improved at the passage of this act, by any actual and *bona fide* settler in said district, for nine months from the passage of this act; but such actual and *bona fide* settler shall have the exclusive right to enter the same, for the above period.

Sec. 5. *Be it further enacted*, That the receiver shall file the certificate carefully away, in his office, and the clerk shall be allowed twenty-five cents for making out the same, to be paid by such applicant on delivery to him.

Sec. 6. *Be it further enacted*, That nothing in this act shall authorize any person or persons, ever to obtain, either directly or indirectly, more than one certificate; and in obtaining his certificate as above directed, it may be for a less quantity of land than a quarter section, such as a fraction or fractions; but the same shall in no event include more than one quarter section: *Provided, however*, that in all cases in which the settlement, attempted to be proven before the court, shall have been made upon a quarter section, and not upon a fractional part of a section, such entry shall in no in-

stance be made for less than a quarter section, and no quarter section or fractional tract, as now laid off, shall be divided, or less than the quarter or fraction taken by entry.

1829.

[Approved, January 8, 1829.]

CHAP. 47.—An ACT for the benefit of Richard Hart, of Pulaski county, and others.

WHEREAS it is represented to the General Assembly, that Thomas Henderson, in the year 1806, obtained a county court certificate, No. 922, for four hundred acres of land, lying in Pulaski county, and that two hundred and ninety-four acres of the same is surveyed and registered in the name of James Williams, and six dollars ninety-seven cents of the State price has been paid, and that the said two hundred and ninety-four acres is poor, glad land, and has been assigned from said James Williams to Squire Griffin, and assigned from said Griffin to Richard Hart, who now resides on the land; and that said Richard Hart has a large and helpless family, and is very poor, and from affliction of the rheumatic pains, is not able to labor for the maintenance of his family:

SEC. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office is authorised and directed to issue a patent to the said Richard Hart, for the said two hundred and ninety-four acres of land, without the State price being paid for the same, any law to the contrary notwithstanding. Patent to issue to Richard Hart.

And whereas it is represented, that Michael Lutterell obtained a county court certificate, No. 138, for two hundred acres of land, now in Adair county, on the waters of Green river; the first instalment being paid, the plat and certificate registered, said Michael Lutterell has assigned all his right, title and interest in said two hundred acres of land, to the heirs of Richard Lutterell, deceased; the widow of said decedent is very poor and much afflicted with rheumatic pains, and is unable to pay the State price on said two hundred acres of land, and raise her children.

SEC. 2. *Be it therefore further enacted,* That the register of the land office is authorised and directed, to issue a patent to the said heirs, for the said two hundred acres of land, without the State price being paid for the same. Patent to heirs of Richard Lutterell.

1829.

Patent to issue
to James Con-
iway.

Sec. 3. *Be it further enacted*, That the register of the land office is hereby authorised and required to issue a patent to James Coniway, for fifty acres of land, including his improvement, without the State price being paid thereon, upon the filing of a plat of survey in his office, attested by Alfred Payne, surveyor of Allen county, or any one of his deputies: *Provided*, that such grant shall not interfere with any prior existing claim.

A certain en-
try forbidden.

Proviso.

Sec. 4. *Be it further enacted*, That it shall not be lawful for any person to enter the northeast quarter of section eighteen, township two, north range two east of the meridian, during the lifetime of Lucretia Stephens: *Provided, however*, that the said Lucretia Stephens may at any time enter the same.

[Approved, January 5, 1829.]

CHAP. 48.—An ACT allowing one additional Justice of the Peace and two additional Constables to Anderson county, and one additional Justice of the Peace to Calloway county.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed to Anderson county an additional justice of the peace, and there shall be allowed to said county two additional constables; and there shall be allowed to Calloway county, one additional justice of the peace.

[Approved, January 10, 1829.]

CHAP. 49.—An ACT for the benefit of the Sheriffs of certain counties.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the sheriffs of Woodford, Campbell, Green, Hopkins, Pendleton, Estill, Rockcastle and Garrard counties, within ten days after the passage of this act, to return their delinquent lists to the auditor of public accounts, who shall receive, audit, and allow the same, in the manner he would have done had they, or either of them, been presented within the time now prescribed by law.

[Approved, January 10, 1829.]

CHAP. 50.—An ACT to change the direction of the State road running through the lands of Isaac and Alfred Shelby.

WHEREAS it is represented by the petition of Isaac Shelby and Alfred Shelby, that they would be benefited by changing the State road leading from Danville

to the Tennessee line, in the direction of Murfreesborough, in that part which passes through their land, in Lincoln county, so as to pass over a way lately opened by them, through their own land, and, that no injury, public or private, would result from such change: Therefore,

1829.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the application of the said Isaac and Alfred Shelby to the county court of Lincoln county, and on their making satisfactory proof that the way opened by them is cleared out forty feet wide; that it is ditched and causewayed where necessary, and is in all respects a good and convenient way for the said State road to pass over; and that no public or private inconvenience would result from the proposed change; the said county court shall have full power and jurisdiction to authorise such change, and to establish the road over the way aforesaid, as a part of the State road aforesaid.

County court of Lincoln authorized to change a road.

[Approved, January 12, 1829.]

CHAP. 51.—An ACT for the benefit of the Trustees of the Trigg Seminary and for other purposes.

WHEREAS a patent issued from the State of Kentucky to the trustees of the Trigg Seminary for fifty acres of land, situate south of Walker's line and north of the true line, which is thirty-six degrees and thirty minutes north latitude, which fifty acres is situate in Stuart county, State of Tennessee; and whereas there was a mistake made by the register in issuing said patent, in this, that he copied the courses different from the survey, which gives them truly, as run and marked, and to remedy that inconvenience:

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office be, and he is hereby directed, upon the trustees' filing a copy of said survey in his office, immediately thereafter to issue to said trustees, a patent for the said fifty acres of land, according to the marked lines and corners of said survey.

Register to receive a copy of a survey and issue a patent.

And whereas a patent issued as aforesaid to Peter Shull, for two hundred acres of land, situate, lying and being in Muhlenberg county, on the waters of Pond creek; and whereas there was a mistake made by the surveyor in making out the survey, in this, that he set down the course south eighty-five east, when the true

1829.

course is south eighty-five west, and the register issued the patent with the same mistake: To remedy which mistake,

Register to issue patent to Peter Shull.

Sec. 2. *Be it therefore enacted*, That the register of the land office, be, and he is hereby directed, to issue to said Peter Shull, a patent for the said two hundred acres of land, according to the correct course, as above stated.

[Approved, January 12, 1829.]

CHAP. 52.—An ACT authorizing the Paymaster of the 40th Regiment of Kentucky Militia, to pay over certain moneys to the county court of Muhlenberg.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the paymaster of the 40th regiment Kentucky militia to pay over all the unappropriated militia fines belonging to said regiment, to the clerk of the Muhlenberg county court, on or before the first day of May one thousand eight hundred and twenty nine, whose duty it shall be to receipt for the same to the said paymaster, and keep the amount so received, subject to the order and disposition of the county court of said county of Muhlenberg, to be applied in aid of building a public jail in said county.

Sec. 2. *Be it further enacted*, That if said paymaster shall fail or refuse to pay over said sum of militia fines, at or before the time herein required, the said clerk shall be, and he is hereby authorized, in his own name, to proceed against said paymaster and his securities, for the recovery of the same, as is now provided for by law, against defaulting paymasters.

[Approved, January 12, 1829.]

CHAP. 53.—An ACT to change the time of comparing polls for Senator in the thirty-seventh Senatorial District.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriffs of the several counties of Bath, Morgan, Floyd and Pike, composing the thirty-seventh senatorial district, shall hereafter meet at the court-house in the county of Bath, on the days now appointed by law for the comparison of polls for members of Congress in the first Congressional District, in each and every year when an election may be held for Senator of the thirty-seventh senatorial

district, and shall bring with them the poll books of their respective counties, and shall in all other things be governed by the laws in force in regard to the comparison of polls for Senator, and the giving of a certificate of elections, &c.

1820.

[Approved, January 12, 1829.]

CHAP. 54.—An ACT relative to the Court of Appeals.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the proceedings of the court of appeals shall be suspended or interrupted, after the commencement of any term of said court, by the death, resignation or removal from office, of any of the judges, or from any other cause, it shall and may be lawful for the judge or judges so dying, resigning or removed from office, or for the judges in office upon the cause of the suspension or interruption of the proceedings of the court being removed, to assemble and to proceed with the business of the court, at any time they may deem proper, before the time fixed by law for the commencement of the next ensuing term of said court.

When the term of the court is suspended by a vacancy in the office of judge, a term may be held before the time fixed by law.

Sec. 2. *Be it further enacted*, That the court, when thus organized, shall have the same power over the proceedings and adjudications of the same term, as if there had been no suspension of the business of said court; but the time the court shall be thus suspended in its operations, shall not be taken into computation under the rules of said court.

Court to have the same powers as at a regular term.

[Approved, January 12, 1829.]

CHAP. 55.—An ACT for the benefit of William and Edward Trabue.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That William and Edward Trabue be, and they are hereby authorised, to build a mill dam, five feet high, across Green river, at the point where Randolph Neat's old mill now stands, and they are required to make and forever keep a good and sufficient slope, at least thirty feet wide and fifteen feet long, adjoining the mill, for the safe passage of boats in descending said river: *Provided, however*, that the coun-

Authority given to build a milldam across Green river.

1829.

ty court of Adair, two thirds of all the justices of the peace in said county concurring, shall have the power to abate said dam, at any time when it shall appear to the county court that said dam is a public nuisance; and full power is hereby reserved to the General Assembly, to repeal the privileges hereby granted, and to cause the dam aforesaid to be removed, whenever it shall be deemed expedient.

[Approved, January 12, 1829]

CHAP. 56.—An ACT to amend the laws concerning the town of Covington.

Preamble.

WHEREAS an act passed at the last session of the General Assembly, approved December 31, 1827, whereby the trustees of the town of Covington, in the county of Campbell, were authorized to make certain alterations and changes in a part of said town, as to the position of streets, alleys and lots; but in said act, when the alterations should be made, no power was given to the trustees of said town, either to receive and make deeds of conveyance to carry into complete effect said alterations: To remedy the defect in said act,

Trustees of
Covington au-
thorized to
convey certain
streets, alleys &
lots.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases where the trustees have made, or shall hereafter, in pursuance of the provisions of the said act, make any alteration in the streets, alleys and lots of ground, to make and execute deeds of conveyance to the person or persons, who, by contract, are or may be entitled to the same; and also, in further fulfilment of said alterations now made or to be made, accept and receive deeds of conveyance to them and their successors in office; which deeds, when made agreeably to the laws now in force, shall vest the right, title and interest of the grantor or grantors in the grantee or grantees.

To convey lots
to persons en-
titled thereto.

SEC. 2. *Be it further enacted,* That the trustees of said town, and their successors in office, are hereby authorized and empowered to convey any lot or lots of ground, situated in said town, whenever the title is or may be vested in said trustees, to the person or persons who in equity may, by contract, be entitled to the same.

Whereas a manufacturing company has been established in said town, upon several lots through which an alley runs, and to the company renders it extremely inconvenient: For remedy whereof,

Sec. 3. *Be it further enacted*, That the trustees of said town are hereby authorized and empowered to convey said alley, so far as the same may run through said lots, to Robert Buckhannon, in trust for the use and benefit of said company. 1829.
Authorized to convey an alley, &c.

[Approved, January 12, 1829.]

CHAP. 57.—An ACT to establish a State Road from the mouth of Salt River, to intersect the State Road leading from Brandenburg to Bowling-Green.

WHEREAS it is represented to the present General Assembly, that the public will be greatly benefited, by opening a road from the mouth of Salt river, to intersect the road leading from Brandenburg to Bowling-Green, on the most direct route from the mouth of Salt river to Bowling-Green: Therefore, Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Isaac Thomas of the county of Grayson, William Love of the county of Hardin, and Stephen Board of the county of Breckinridge, be and they are hereby appointed commissioners, who, or a majority of them, after being first duly sworn before some justice of the peace, shall proceed to view and mark a road, the nearest and best practicable way from the mouth of Salt river to Bowling-Green, to intersect the road leading from Brandenburg to Bowling-Green, north of Litchfield; and it shall be the duty of said commissioners, so soon as they have completed the reviewing and marking said road, to make out one fair copy of the route, for each county through which the said road may pass, and return the same to the county court of each of said counties, on or before the first day of November 1829. Commissioners appointed to view said road.

Their duty.

Sec. 2. *Be it further enacted*, That the several county courts through which said road may pass, immediately after the report of the commissioners, at their discretion, shall lay off their respective parts of said road into one or more convenient precincts, and make an order for clearing out said road, immediately, thirty feet wide, clear of all timber in all practicable places, the stumps not to be more than twelve inches high, and to bridge and causeway all difficult places, and otherwise to put the several parts of said road in good order for travelling. County courts may cause said road to be opened, &c.

Sec. 3. *Be it further enacted*, That each of the commissioners shall be entitled to receive one dollar and Pay to commissioners.

1829.

fifty cents for each day they are actually employed in viewing and marking said road, to be levied by the several county courts in which they reside, and paid out of the county levy, rateably, to the extent of said road in each county.

[Approved, January 15, 1829.]

CHAP. 58.—An ACT for the benefit of certain clerks and surveyors.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all clerks of courts and surveyors of counties, who shall have failed within the time prescribed by law to renew their bonds, shall have the further time of six months, from the passage of this act, within which to renew their bonds respectively: *Provided, however,* that all bonds executed in virtue of this act, shall have a condition therein, stipulating that all duties required by law in their respective offices, have been duly performed since the expiration of their former bonds.

Certain clerks
and surveyors
may renew
their bonds.

[Approved, January 15, 1829.]

CHAP. 59.—An ACT for the benefit of John E. M'Daniel.

Preamble.

• WHEREAS it is represented to the present General Assembly, that John E. M'Daniel of the county of Bath and town of Owingsville, purchased a certain lot of ground lying on second main street, near the extreme east end of the town aforesaid, of a Mr. John Williams, for a valuable consideration, on which stands some valuable buildings, in one of which said M'Daniel now resides. On examining the lines of the street aforesaid, it is ascertained that a part of the dwelling house of said M'Daniel, stands on the street aforesaid; and it is further represented, that the said John E. M'Daniel is the proper owner of the land or lots on both sides of said street, and it would tend greatly to his prejudice and injury to move his building off said street; and it is further represented, that the man from whom he purchased the lot aforesaid, is entirely insolvent, and not able to refund to the said M'Daniel, should he recover any thing of him for the fraud practised on him: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Owingsville, are hereby authorized and directed to make to John E. M'Daniel, a good and sufficient title to that part of the second main street that his buildings cover, with this condition; that the said John E. M'Daniel shall make to the trustees aforesaid, a good and sufficient title to as much ground on the opposite side of said street, as will, in the opinion of the said trustees, be sufficient to keep the street of proper width and admit free passage.

1829.

Trustees of
Owingsville
may convey to
M'Daniel part
of a street.

[Approved, January 15, 1829]

CHAP. 60.—AN ACT to incorporate the Trustees of the Baptist Education Society.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Alva Woods, Silas M. Noel, W. H. Richardson, Jeremiah Vardeman, John Bryce, David Thurman, Gabriel Slaughter, Joel Scott, Peter Mason, Thomas P. Dudley, Peter C. Buck, Jephthah Dudley, Benjamin Taylor, George W. Nuckols, Ryland T. Dillard, Benjamin Davis, William Johnson, Samuel M'Kay, Thomas Smith, C. Van Buskirk, James Ford, George Waller, Guerdon Gates and Cyrus Wingate, shall be, and are hereby constituted a body politic and corporate, to be known and designated by the name and style of "The Trustees of the Kentucky Baptist Education Society," and by that name shall have perpetual succession, and a common seal, with power to change and alter the same at pleasure; and as a body corporate, shall be authorized to exercise all the powers, privileges and rights which are exercised by the trustees of any Academy of learning in this State; but that the property of said corporation shall be subject to taxation, except the college buildings and five acres of ground around the same; and on the death, resignation or other disqualification of any of the said trustees, or their successors in office, a majority of two thirds of the trustees remaining in office, may fill such vacancy or vacancies; and the person or persons so appointed, shall be vested with the same powers and privileges as those named in this act; and by the name, style and denomination of "The Trustees of the Kentucky Baptist Education Society," may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State.

And their powers.

1829.

May receive,
hold and con-
vey property.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for the said trustees, and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase or receive by donation, demise or bequest, any lands, tenements, hereditaments, moneys, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use and benefit of said institution and according to the intention of the donor or donors of any such lands, tenements, hereditaments, moneys, rents, goods and chattels, and not otherwise, and to sell, transfer and convey the same under the seal of said corporation, unless prohibited by the terms of any such donation.

Trustees to ap-
point a chair-
man and make
by-laws and
appoint profes-
sors, &c.

Sec. 3. *Be it further enacted,* That it shall and may be lawful for the trustees aforesaid and their successors in office, to appoint out of their own body a chairman or president; and the said president and a majority of the trustees shall, at all times, constitute a quorum to do business, and shall have power to meet at such times and places as they may select for the transaction of business, and may make such by-laws, rules and ordinances necessary for the proper government of said institution, as shall not be repugnant to the constitution and laws of the United States or laws of this State. The said president and trustees shall also have power, at all times, to select and appoint such officers, teachers, tutors and professors for the management of said institution, as they may think necessary; to fix their salaries and prescribe their duties; to fix and prescribe the terms upon which students may be admitted into said institution, and for any misconduct in any officer, teacher, tutor or professor, to dismiss such person from office, and appoint another or others in their stead.

To keep a re-
cord of their
proceedings.

Sec. 4. The said president and trustees shall keep a record of their proceedings, in a book or books to be provided for that purpose, and may, if they deem it necessary, appoint a clerk to record their proceedings and prescribe his duties. It shall be the duty of the said president and trustees, and their successors, to have recorded in the office of the county court of the county where the said institution may be located, the names of the trustees thereof, hereby appointed, and the names of such as shall hereafter be appointed in their stead.

Names of the
trustees to be
recorded in the
office of the
county court.

Sec. 5. *Be it further enacted,* That within sixty days from the passage of this act, the trustees aforesaid

shall meet in Lexington, and enter upon the duties assigned them by this act, not less than a majority of two thirds being competent thereto: *Provided, however,* that the real and personal estate acquired by the said corporation shall at no one time exceed the yearly rent or value of fifty thousand dollars.

1829.

Estate of corporation limited.

Sec. 6. *Be it further enacted,* That full power is reserved to the General Assembly to repeal or modify the privileges hereby granted.

This charter may be repealed.

[Approved, January 15, 1829.]

CHAP. 61.—An ACT for the improvement of the public roads in Harlan county.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the land office be, and is hereby directed to issue, without fee, ten thousand acres of Kentucky land office treasury warrants, in the name of the county court of Harlan county, which said warrants are to be appropriated by the county court for the improvement of the road from Cumberland ford to Harlan court-house, and to the Virginia State line, and up the Poor fork of Cumberland river.

Register to issue patents to county court of Harlan for land.

The object of said grant.

Sec. 2. The county court shall appoint three commissioners, whose duty it shall be to superintend the improvement of said road; and they shall have the power of employing persons to labor on said road, at such time and in such manner as they may direct, paying them therefor in land warrants.

Commissioners to be appointed.

Sec. 3. Whenever a survey shall be made on any of the aforesaid land warrants, by the surveyor of Harlan county, and the same shall be certified by the clerk in open court, to be for the benefit of any person to be named in the certificate, the Register shall issue a patent in the name of the person for whose benefit it shall be so certified.

Register may issue patent in name of private individual

Sec. 4. The commissioners shall, for every day they shall be necessarily engaged in the discharge of their duties, receive therefor the sum of fifty cents, which shall be paid them in land warrants hereby appropriated; and before they enter on the discharge of their duties, they shall take an oath before some acting justice of the peace for the said county of Harlan, that they will faithfully discharge the duties of their aforesaid office.

Pay of said commissioners.

To take oath.

1828.

Patents how
located.

Sec. 5. No survey shall be made on any of the land warrants hereby appropriated, except on vacant and unappropriated lands in the county of Harlan.

[Approved, January 16, 1829.]

CHAP. 62.—An ACT to repeal the third section of an act entitled, "an act for the regulation of the town of New-Market, in Washington county," approved February 11, 1828.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of an act entitled, "an act for the regulation of the town of New-Market, in Washington county," approved 11th February 1828, be, and the same is hereby repealed.

[Approved, January 16, 1829.]

CHAP. 63.—An ACT for the benefit of the Securities of Charles Morehead, late Sheriff of Logan county.

WHEREAS it is represented to the General Assembly of the Commonwealth of Kentucky, that Charles Morehead, late sheriff of Logan county, hath departed this life, in consequence of which the collection of the revenue tax of said county has been somewhat retarded, and a part thereof not paid into the treasury in the time required by law: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the securities of the said Charles Morehead, late sheriff of Logan county, be and they are hereby allowed until the first day of March next, to pay the balance of the revenue due from said sheriff, into the treasury.

[Approved, January 16, 1829.]

CHAP. 64.—An ACT for the benefit of the Sheriffs of Scott and Barren counties.

Preamble.

WHEREAS the deputy sheriffs of Scott county, from a misapprehension of the law in relation to the form in which a list of delinquents should be made out, omitted to have their delinquent lists allowed for the years 1825 and 1826:

SEC. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the deputy sheriffs of Scott, be and they are hereby allowed the further

time of three months to return and have allowed their delinquent lists for the years 1825 and 1826; and upon such return and allowance, the said deputies shall be entitled to a credit therefor, as is usual in such cases.

1829.

Time granted to return delinquents.

Sec. 2. *Be it further enacted*, That the sheriff of Barren county be, and he is hereby allowed the further time of three months to return and have allowed his delinquent list for said county for the year 1827.

Time allowed to the sheriff of Barren.

[Approved, January 16, 1829.]

CHAP. 65.—An ACT to declare Eagle creek, and the Big South Fork of Cumberland river, navigable streams.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Eagle creek, from Sanders' lower mills, be and the same is hereby declared a navigable stream to its junction with the Kentucky river; and each and every person or persons, who shall erect or continue any bridge, mill dam, fish dam or other obstruction to the passage of boats up or down said stream, for every such offence, shall forfeit and pay the sum of ten dollars, recoverable before any justice of the peace of the county where the offence is committed, by any person suing for the same by action of debt, as other cases of like amount: *Provided*, that it shall be lawful for any person or persons to enter and remove any such obstruction erected or continued against the true intent and meaning of this act.

Part of Eagle creek declared navigable.

Penalty for obstructing.

Proviso.

Sec. 2. *Be it further enacted*, That hereafter the Big South fork of Cumberland river, shall be considered, and is hereby declared navigable, from the mouth of the Little South fork, to the mouth of the Big South fork, and shall be kept open and free for the passage of boats up and down the same; and if any person or persons whatsoever, shall put any dam or other obstruction in said river, calculated to impede the navigation of the same, except as is hereinafter provided for; every such offender shall forfeit and pay the sum of three dollars for every twenty-four hours such dam or other obstruction shall be permitted to remain in said river; which sum may be recovered before any justice of the peace or circuit court, as each may have cognizance of the sum claimed, one half to go to the informer, the other half to lessening the county levy.

Big south fork of Cumberland declared navigable.

Penalty for obstructing.

[Approved, January 16, 1829.]

1829.

CHAP. 66.--An ACT for the benefit of the citizens of the town of Jefferson, in Jefferson county.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the second section of "an act concerning the town of Jefferson, in the county of Jefferson," approved February 1, 1809, as requires the inhabitants of said town to work on the road from said town of Jefferson to Middletown, more than one mile, be and the same is hereby repealed.

[Approved, January 16, 1829.]

CHAP. 67.--An ACT allowing Thomas Foster a change of venue.

Preamble,

WHEREAS it is represented to the present General Assembly, that Thomas Foster stands indicted and charged before the Jefferson circuit court for stabbing with intent to kill, and that owing to the undue influence of the city watch of Louisville, one of whom is the person alleged to have been stabbed, he cannot have a fair and impartial trial before a jury of said county of Jefferson; and it also appearing that said Foster was an entire stranger in said city: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said Thomas Foster to appear in the Jefferson circuit court, on the first day of the next term thereof, and make his election to be tried in the Shelby circuit court, which election shall be noted on the record, and thereupon it shall be the duty of the Jefferson circuit court, to recognize the said Thomas Foster, with good security, to appear on the first day of the next ensuing term of the Shelby circuit court, and answer to the indictment aforesaid, and not depart thence without the leave of said court; and upon the indictment aforesaid and the proceedings had thereon being certified up to the Shelby circuit court, as hereinafter provided, the said Shelby circuit court shall take cognizance of the said indictment, and of every thing incident or appertaining thereto, in the same manner as though the offence of which said Foster is indicted, had been committed in the county of Shelby; and shall, in case he be found guilty, enter judgment, and cause execution thereof, or grant a new trial agreeably to the law and justice of the case, as though the said indictment had originated in Shelby county; and the sheriff, jailer and*

Thomas Foster may elect to be tried in the Shelby circuit court.

Said court may take cognizance of said case.

clerk of Shelby, shall in like manner perform all necessary duties pertaining to their respective offices, in relation to said indictment; and the judge of the Jefferson circuit court shall, at the time the said Foster shall make his election to be tried in the Shelby circuit court, recognize the witnesses on the part of the Commonwealth to appear at the next ensuing term of the Shelby circuit court, and the last mentioned court shall proceed upon all recognizances in the same manner as though the same had been taken in the said court; and in case the indictment shall be found defective and shall be quashed, or the judgment be arrested, the said Foster shall not, for that cause, be discharged; but a special grand jury shall be summoned, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant the finding such new indictment; and the defendant shall be arraigned and tried thereon, in the same manner, and be subject to the same judgment and execution, as though the offence had been committed in the county of Shelby: *Provided, however,* that nothing herein shall be construed to require any proceeding on the part of the judge, that would not be required of him in case the offence charged had been committed, or charged to have been committed, in the said county of Shelby.

1829.

Witnesses to
be recognized.

Prisoner not to
be discharged
by defect of in-
dictment.

Provided,

Sec. 2. *Be it further enacted,* That it shall be the duty of the clerk of the circuit court of the county of Jefferson, to make out full and complete copies of all the orders made in his court in said prosecution, and shall forward the same, together with all writs, bonds, recognizances, indictments or other papers filed therein, by the sheriff of his county, to the clerk of the circuit court of the county of Shelby, taking his receipt for the same; which duty shall be performed by the said sheriff with all possible despatch, and he shall be allowed six cents per mile in going to and returning from said Shelby county, to be paid out of the public treasury on certificate of the clerk of the circuit court of said county of Jefferson, that said services have been performed.

Clerk of Jef-
ferson court to
make out co-
pies of records
and forward
them to Shelby
court.

Sec. 3. *Be it further enacted,* If either the clerk or sheriff of Jefferson circuit court, shall fail to comply with all or any part of the said duties enjoined on them by this act, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time, in the Jefferson circuit court, in favor of the Commonwealth; which fine or fines, sum or sums, shall be applied as other fines are now directed by law, of a like nature.

Penalty on
clerk for fail-
ure to perform
his duties.

1829.

Duty of clerk
of Shelby.

Sec. 4. *Be it further enacted*, That the clerk of the Shelby circuit court shall be, and he is hereby authorised to issue a *venire facias*, subpoenas, and all other necessary process, as though the said prosecution had commenced in his own county.

Pay of witnesses.

Sec. 5. *Be it further enacted*, That the witnesses attending the Shelby circuit court, in consequence of this change of venue, by recognizance or subpoena, shall be allowed the same per day and for travelling, as other witnesses going out of the county by legal process.

[Approved, January 16, 1829.]

CHAP. 68.—An ACT to establish an election precinct in Jessamine county, and to change the place of voting in the lower precinct in Hopkins county.

Election precinct in Jessamine county.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Jessamine lying within the following boundary, to wit: Beginning on the Curd's road, at the Fayette county line; thence with said road to the old Shaker Ferry road; thence with said Shaker Ferry road to the Kentucky river; thence down the said river to the Woodford county line; thence with said line to the corner of the Woodford and Fayette lines; thence with the Fayette line to the beginning; shall be, and the same is hereby formed into and constituted an election precinct, in the said county of Jessamine; and the qualified voters residing in said precinct, shall meet at the house of William A. Lewis, in the town of Liberty, in said county, and vote at all elections hereafter held agreeably to law: *Provided*, that it shall be lawful for any of the voters residing within said precinct, to vote at the court-house of said county, if they shall so elect.

Polls to be held at New Liberty.

Proviso.

Judges and clerk to be appointed.

Sec. 2. The county court of Jessamine, at the time they appoint judges and clerk of elections at the court-house, shall also appoint judges and a clerk to take the votes in said precinct; and the sheriff or his deputy, shall attend at the place herein appointed for holding elections in said precinct, and conduct the same.

Sheriff to attend at said polls.

Sec. 3. The sheriff of Jessamine shall, on the Saturday succeeding any elections as aforesaid, cause the votes taken at the court-house, and those taken within said precinct, to be carefully compared, and make return thereof according to law.

Sec. 4. *Be it further enacted,* That all elections hereafter to be held in the lower precinct in Hopkins county, shall be held at the house of Mrs. Phoebe Harrald-son, instead of the house of Thomas Givens, as heretofore directed by law. any law to the contrary notwithstanding.

1829.

Place of voting in lower precinct, Hopkins county.

[Approved, January 16, 1829.]

CHAP. 69.—An ACT to extend the boundary of the town of Williamstown, in the county of Grant.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundary of the town of Williamstown, in the county of Grant, be extended forty eight poles from the south corner of the public square, along the street leading to Georgetown, and one hundred poles along the street leading to Cincinnati, and including the depth of two lots on each side of said streets, leaving an alley between said lots equal in width to those heretofore laid off in said town, and to run in a direct course with them; and the trustees of said town shall have and exercise the same power over the said additional boundary, as was exercised by them in said town, previous to the addition: *Provided, however,* that unless the owners of property in said proposed addition shall agree thereto, by writing under their hands and seals, to be lodged in the office of the clerk of the county court of Grant county, on or before the first day of June 1829, the proposed addition shall not be made.

Williamstown extended.

Trustees to have jurisdiction over addition.

Proviso.

[Approved, January 16, 1829.]

CHAP. 70.—An ACT requiring certain duties of the Clerks of this Commonwealth.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That immediately after the termination of each circuit court, the clerk thereof shall make out and certify a complete list of all the claims allowed at that term of the court, which are payable out of the public treasury, in alphabetical order, stating the name of the person entitled, the particular services rendered, and the amount of the claims respectively; and immediately previous to the commencement of each circuit court the clerk of the county court of that county, shall make out a like alphabet-

Circuit court clerks to make a list of claims allowed at each term payable out of the treasury.

1829.

County court clerks to make a like list.

Circuit court clerk to forward same to Auditor.

Provido,

Clerks of court of appeals and general court to make similar lists.

Auditor not to issue warrants until lists of claims are filed

He shall keep a record of said lists in a separate book.

Shall keep a postage account.

ical list of all claims which may have been allowed by the county court, payable out of the public treasury, certified by him as clerk, and file it with the clerk of the circuit court, whose duty it shall be to transcribe the same, including the certificate of the county court clerk, upon his aforesaid list of allowances made by the circuit court; and he shall, within twenty days after the end of each term of the circuit court of which he is clerk, forward said list to the auditor of public accounts, either by mail or other safe conveyance, taking care that the list so certified shall be on one sheet of paper where it will contain the same, that the auditor may not be taxed with double postage: *Provided, however,* that the county courts shall not hereafter examine or allow any claim for arresting felons, or other claim for services in any case which relates to proceedings that might by law ultimately come before the circuit court for adjudication or trial.

Sec. 2. The clerks of the general court and court of appeals shall make out and file with the auditor a like statement in alphabetical order, of all claims which may be allowed by either of said courts and which are payable out of the public treasury, which shall also be done within twenty days after the termination of each term of their respective courts.

Sec. 3. The auditor shall not issue his warrant upon the treasury for any claims allowed by any court, until a list shall have been filed as aforesaid, nor shall he issue his warrant for any claim allowed and certified after this act takes effect, unless the same shall be found upon such list, provided the claim presented be one which by law, is required to be certified by any one of the courts aforesaid.

Sec. 4. It shall be the duty of the auditor to keep a complete record of said lists for each county in a separate book, and when a warrant issues for any such claim, he shall make a note of the number of the warrant and year it issued, immediately opposite each claim; and the auditor shall be compensated out of the public treasury for all sums paid by him for postage of the lists forwarded by mail as aforesaid, and shall keep an exact account of the amount of postage so paid by him each year, stating the counties respectively from which the letters were received, which, with all other matters, shall be subject to the inspection of any member of the Legislature or any committee thereof.

Sec. 5. If any clerk shall fail to perform any of the duties assigned him by this act, he shall be liable for each failure to a fine not less than ten nor more than twenty-five dollars, recoverable on motion in the circuit court of the county in which such clerk resides, by any person who may choose to give him notice at least three days previously, of his intention to make such motion, one half of which fine shall be to the use of the person moving for the same, and the other half towards lessening the county levy: *Provided, however,* that the notice herein provided for, shall be commenced and served within one year next after the happening of the delinquency complained of: *And provided further,* that if any clerk shall fail herein twice or oftener, in any one year, the court before whom that fact is established, shall not fine him less than twenty dollars, and may fine him fifty, for this second or third offence; and a third delinquency in the same year, shall be considered good cause for the removal of such clerk from office.

1829.

Penalty on clerks for failure to make lists.

How sued for.

Proviso.

Sec. 6. *Be it further enacted,* That hereafter the clerks of the several courts within this Commonwealth, shall, at the commencement of each term of their respective courts, make out and present to the circuit judge of said court, a list of the suits brought at that term, with the names of the plaintiffs and defendants arranged in alphabetical order, together with the amount of taxes on writs, subpoenas in chancery, appeal and supersedeas bonds to the Court of Appeals, and for affixing seals to records and other writings, which was collectable on such process by the laws now in force, and all other money collected for revenue purposes; which list shall contain the amount collected upon each class of process, separately and distinct from each other, whereupon it shall be the duty of the circuit judge to examine said list, and compare the same with the docket made out by the clerk for the use of the court; and if he finds the same duly and correctly made out, he shall order the same to be entered of record, upon the book containing the records of said court; and any clerk who shall fail to perform the duties herein required, shall and may be fined by said court, any sum not less than ten nor more than thirty dollars.

Clerks to make alphabetical docket of appearances at each term; also amount of tax on writs.

Penalty on clerk for failure.

Sec. 7. *Be it further enacted,* That it shall be the duty of the several county clerks within this Commonwealth to keep a list of all money collected and collectable by them, upon seals and for recording deeds, upon which a tax is now imposed by law, and all other

County court clerks to keep a list of tax on seals, &c.

1829.

To be shown to
court of levy.

money collected for revenue purposes; which list, so made out and kept by him, he shall present to the county court at that term in each year in which the county levy is laid, whereupon it shall be the duty of the presiding justice of said court, together with the attorney for the county court, to examine said list, and to compare it with the number of deeds recorded in said office for that year, and if they find the same correctly kept and made out, the presiding justice aforesaid shall order the same to be recorded on the minutes of the county court.

Shall give to
circuit court
clerks the same

Sec. 8. *Be it further enacted*, That the clerk of each county court shall, on or before the first day of December in each year, furnish the circuit court clerk of his county, with the aggregate amount of money so collected upon seals and for recording deeds, within that year, whereupon it shall be the duty of the circuit court clerk to transcribe the same, together with the lists of suits brought in said circuit court, as was directed by the first section of this act, and the amount of money collected for taxes on law process and seals; which lists, so transcribed and made out, he shall transmit to the Auditor of public accounts, on or before the twentieth day of December, in each year.

Duty of circuit
court clerks
thereon.

Penalty for fail-
ure.

Sec. 9. *Be it further enacted*, That any clerk who shall return a false and fraudulent list of taxes or other moneys so collected, upon conviction thereof, shall be removed from office; and it shall be the duty of the Attorney General to prosecute all offenders against this act.

[Approved, January 16, 1829.]

CHAP. 71.—An ACT to provide for the opening of a road from New-Castle to Covington, opposite Cincinnati.

Preamble.

WHEREAS it appears that it would greatly conduce to the interest of the public, to cause a road to be opened from New-Castle in Henry county, by the way of New-Liberty in Owen county, Samuel Conner's in Gallatin county, and Big Bone in Boone county, to Covington, opposite Cincinnati: Wherefore,

Commissioners
appointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*; That John P. Foree and Alexander Hugly in the county of Henry, Cyrus Wingate and Henry B. Gale of the county of Owen, John Castleman and Samuel Conner of the county of Gallatin, and Cornelius Hughes, Benjamin Fowler

and Jacob Rouse of the county of Boone, and Bartlett Graves and Alexander P. Sandford of the county of Campbell, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, ^{1820.} *Their duty.* to view and mark out the best, most direct and practicable way for a road from New-Castle in Henry county, by way of New-Liberty, Samuel Conner's and Big Bone, to Covington, opposite Cincinnati, in Ohio.

Sec. 2. *Be it further enacted,* That the several county courts through which the road shall pass, may, at their next county court, or so soon thereafter as practicable, lay off so much of said road as shall pass through their several counties into convenient precincts, and to appoint to each an overseer and allow to each overseer a sufficient number of hands to perform the necessary labor within his bounds; and it shall be lawful for each of said overseers, to give all persons within his bounds, a legal notice of the time and place of working on said road; and the said overseer and hands shall, in all other respects, be governed by the laws now in force in relation to working on roads; and it shall be the duty of said overseers, to cause the said road to be opened thirty feet wide, the stumps well cut, the banks of the creeks and other sideling places to be well dug, and all marshy places to be well causewayed, so as to admit of a convenient passage for wagons.

Sec. 3. *Be it further enacted,* That each of the said commissioners, so employed, shall receive for his services, one dollar and fifty cents for each day that he may be necessarily employed in the duty prescribed by this act, which shall be paid by the respective counties through which said road passes, rateably, to the extent of said road in each county. *Pay to commissioners.*

Sec. 4. *Be it further enacted,* That it shall be the duty of the aforesaid commissioners, to make report to their several county courts of their proceedings, also through whose lands the said road will lead if opened, and report in what county the said land lies, whereupon it shall be the duty of the several county courts to issue summons against the owner of said land, who may reside in their respective counties, returnable to the court next succeeding the making said report, to show cause, if any, why the said road should not be opened; and upon the appearing of the said owners or occupiers and protesting against the opening of said road, it shall be the duty of such county court, when application may be made, to award a writ of *ad quod damnum*, directed to the sheriff of the county in which such ap- *Commissioners to make reports, and the owners of land to be summoned.*

1829.

Juries to assess
damages.

plication may be made, whose duty it shall be to summon twelve good and lawful jurors to ascertain and assess what damage, if any, the said applicants will sustain by reason of said road leading through their land; and the said sheriff shall, in all other respects, proceed to execute said writ in pursuance of the law now in force, in relation to writs of *ad quod damnum*.

Upon return of
damages, court
may open road

Sec. 5. *Be it further enacted*, That upon the return of said writ or writs to any of the several counties aforesaid, it shall be the duty of the said county court to receive the same, and if they deem it expedient, direct the opening of the said road in pursuance to the second section of this act.

Damages to be
levied on the
counties.

Sec. 6. *Be it further enacted*, That the said county courts, where any writ or writs aforesaid may be returned to them awarding or assessing to any individual or individuals any damages, it shall be the duty of said court, to whom such return may be made, if they deem it expedient, at their next court of claims, to cause to be entered up an order in favor of said individual or individuals, for the amount of the damages sustained by them respectively, as evidenced by the verdict of the jurors, and shall lay a levy sufficient to cover the amount of said claims; and it shall be the duty of the sheriff to pay over to such individuals, in whose favor said order may be entered up, as other claims, and on failure to do so, shall be liable to the same proceedings as by law may now be had against sheriffs.

If the commis-
sioners fail to
act, the county
court may ap-
point others.

Sec. 7. *Be it further enacted*, That if any of the commissioners herein named shall fail or refuse to act, or comply with the provisions of this act, it shall be the duty of the county court of the county in which said commissioners may reside, to appoint some person as commissioner to fill his place, who, when appointed, shall in every respect perform the duties enjoined by this act, and receive the same compensation, and be subject to the same penalties as the commissioner herein named would have been subject, had he acted in pursuance thereof.

Commissioners
to meet.

Sec. 8. *Be it further enacted*, That it shall be the duty of the said commissioners, on or before the first Monday in August next, or as soon thereafter as may be convenient, to meet in the town of New-Castle, and from thence proceed to perform the duties enjoined by this act.

[Approved, January 22, 1829.]

CHAP. 72.—AN ACT for the benefit of Thomas Witherspoon.

1829.

WHEREAS Joseph Lapsley departed this life in the county of Warren; that after his death, dower in his slaves was assigned to his wife, Sarah, by which allotment three negroes, to wit, James, Wilson and Betsey, were allotted to her; that since said allotment, the negro woman Betsey, has had a child; that the said Sarah Lapsley has intermarried with Thomas Witherspoon, who resides in the State of Alabama; that the said Thomas Witherspoon is desirous of taking said slaves to his residence in the State above mentioned: Wherefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said Thomas Witherspoon, to remove the above named slaves from this State to his residence in the State of Alabama, upon his entering into bond with approved security in the Warren county court, in such penalty as the court shall direct, not less than double the value of the slaves at this time; which bond shall be made payable to the Commonwealth of Kentucky, conditioned that the said Thomas Witherspoon, his heirs, &c. shall, at the termination of said dower estate, surrender up said negroes, or such of them as may be alive, together with their future increase, to such of the heirs of the said Joseph Lapsley as may be entitled to the same; and also account for and pay any hire or damages which said heirs may be entitled to, after the termination of said dower estate; which bond shall be filed in the clerk's office of said court, a copy of which, attested by the clerk of said court, shall be good evidence in any of the courts of this Commonwealth, and upon which any one interested in said slaves may maintain an action against the said Thomas Witherspoon or his securities, for a failure to perform the condition of said bond.

Authorized to remove dower slaves to Alabama.

[Approved, January 22, 1829]

CHAP. 73.—An ACT to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

WHEREAS it is represented to the present General Assembly, that the ground appropriated to the purpose of public buildings in the town of Owingsville, Bath county, is unusually and inconveniently large, and that the court-house is also inconveniently situated in the

Preamble.

1829.

middle thereof, and that it would contribute greatly to the convenience of the citizens of the county and town aforesaid, that the court-house should be removed to one side of the public ground, and the balance be sold to individuals, and the proceeds thereof be applied to defray, as far as they may go, the expences of the removal of the aforesaid house: Therefore,

Trustees of Owingsville authorized to extend main street through the public square, and the county court of Bath may sell part thereof & remove the court-house.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Owingsville in Bath county, are hereby vested with full power and authority, to extend main street of the aforesaid town of Owingsville through the public ground, on a straight direction, and that said street, so extended, shall be under the direction and control of said trustees of said town, as the other streets of said town now are. The trustees aforesaid may have full power and authority, under the direction of the county court of Bath, (a majority of all the justices concurring) to sell that part of the public ground that will lie on the north side of main street, as proposed to run through the aforesaid public ground, by public sale; and the county court is hereby authorized to remove the court-house, and build and construct another one on any part of the public square that will remain and lie on the south side of the said main street when extended as aforesaid. The cross main street shall remain as it now stands, unless the trustees may think proper to change it, for the advantage of the public interest.

Notice & terms of sale.

Sec. 2. *Be it further enacted*, That the part of said public square authorized by this act to be sold, shall be advertised at least one month at the court-house door, and three other public places in said county, previous to the day of sale, and to be sold at the court-house door on a court day, on such a credit as the county court may direct, requiring bond and approved security from the purchaser or purchasers, payable to the justices of said county court for the time being, and their successors. The proceeds of the sales of the aforesaid public ground, are to be applied to the removing and rebuilding of the aforesaid court-house and other public buildings, under the management and direction of said county court of Bath county.

Proceeds, how applied.

Trustees to make deeds.

Sec. 3. That the trustees aforesaid, are hereby vested with full power and authority to make to the purchaser or purchasers, a good and sufficient title to the aforesaid land or lots: *Provided, however*, that the trus-

tees aforesaid, are not to extend the streets through the public ground, until the court-house is removed.

1829.

[Approved, January 22, 1829.]

CHAP. 74.—AN ACT to establish an election-precinct in the county of Ohio, and other counties.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Ohio included within the following bounds, viz: Commencing on Rough creek at the mouth of Hall's creek; thence up said creek to its source, following the main fork; from thence a direct course to the southern boundary line of the county, so as to include Harris Evans; thence, following the boundary line of the county, eastwardly, around to Rough creek; thence down Rough creek to the beginning; shall be an election precinct in the county of Ohio, and that the elections be held at the house now owned and occupied by Theophilus Allen.

Precinct in Ohio county.

Polls to be held at T. Allen's.

Sec. 2. *Be it further enacted*, That all that part of Christian county including the following bounds, viz: Beginning at Stewart's precinct line, on the Hopkins line; thence with the Hopkins line to the Caldwell line; thence with the Caldwell line to the Piney fork of Tradewater; thence to Samuel Clark's; thence to Thomas Dunkerson's; thence to Stewart's line; thence with Stewart's line to the beginning; shall be and the same is hereby formed into an election precinct in said county of Christian, and that the qualified voters in said precinct shall meet at the house now occupied by Davis Croff, in said precinct, for the purpose of voting at all elections.

Precinct in Christian co.

Polls to be held at D. Croff's.

Sec. 3. *Be it further enacted*, That all that part of Casey county in the following bounds, to wit: Beginning on Green river where the Adair line crosses said river; thence with the Casey line to the Pulaski line; thence with the Pulaski line, so that a west line will include all the waters of the south fork of Green river, and the same course to the Adair county line; thence to the beginning; shall compose an election precinct, and be called the South Fork precinct, and the elections shall be held at the house of Thomas Douthet; and the county court of Casey shall appoint judges, clerk, &c. as other courts are directed in similar cases; and the elections shall in all respects be governed by the same rules, regulations and restrictions, that elections in other cases are.

Precinct in Casey county called South fork precinct.

Polls to be held at Tho. Douthet's.

1829.

Precinct in
Lewis county.

Place of voting

Sec. 4. *Be it further enacted*, That all that part of the county of Lewis included and lying on the waters of Kinnykennick creek, and between said creek and the Greenup county line, and including what is called upper Kinnykennick, shall be an election precinct in said county of Lewis, and that the elections be held at the house now occupied and owned by William M'Eldowry, Esquire.

Precinct in
Hardin countyPolls to be held
at Hodgenville

Sec. 5. *Be it further enacted*, That all that part of Hardin county including the following boundary, to wit: Beginning at Elijah Middleton's, on the road leading from Elizabethtown to Gabriel Kirkpatrick's mill, on the south fork of Nolin; thence up said Nolin to George Brownfield's; thence upon a straight line to the house of Jacob Ashcraft, living on the road from Munfordsville to Bardstown; thence on a straight line to James Edlen's; thence with a straight line to Elijah Middleton's, the place of beginning; shall be and the same is hereby formed into an election precinct in said county of Hardin, and that the qualified voters in said county and precinct shall meet at the house of Lewis Brown, in the town of Hodgenville, for the purpose of voting at all elections.

Precinct in Es-
till county.Polls to be held
at M. Sharp's.

Sec. 6. *Be it further enacted*, That all that part of Estill county contained in the following boundaries, to wit: Beginning at the mouth of Twin creek and up the same, including all the inhabitants on said creek, to the dividing ridge between the waters of Red river and those of the Kentucky river, and with that dividing ridge to the Montgomery county line, and with that line to Red river, and down the same to the beginning, shall be an election precinct; and the elections therein shall be held at the house now occupied by Moses Sharp, on Hardwick's creek.

County courts
to appoint pro-
per officers to
conduct the
elections.To fill vacan-
cies.

Sec. 7. *Be it further enacted*, That the county court in each of the counties aforesaid, shall appoint judges and a clerk to the election precincts established by this act, in their respective counties, in the same manner and at the same time as now required by law, in relation to other elections to be held in and for such county; and the sheriff of each of the aforesaid counties, shall, by himself or deputy, attend the elections holden at such precincts; and such elections shall, in all respects, be conducted agreeably to the general laws of this State in regard to elections; and where any of the judges appointed by the county court or the clerk of the election, shall fail to attend or perform the duties of his

office, others shall be appointed, as in like cases of failure, provided for by the general law in relation to elections.

1829.

Sec. 8. *Be it further enacted*, That the sheriff or deputy sheriff in each of the counties aforesaid, who shall attend an election at either of the aforesaid precincts, shall meet the sheriff or other deputies who attended at the court-house, or any other precinct in such county, on the day now required by law for comparing polls in said county, and compare the polls, and where no day is fixed by law, the several sheriffs attending elections in any of the counties aforesaid, shall meet at the court-house of such county on the Friday succeeding the commencement of the election, to compare the polls in such county.

Sheriff to compare the polls.

[Approved, January 22, 1829.]

CHAP. 75.—An ACT for the benefit of Henry G. Hawkins.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful, and the register of the land office is hereby authorised to issue a patent to Henry G. Hawkins, assignee of Jehu Hawkins, jr. who was assignee of Jehu Hawkins, sen. for four hundred acres of land, with the following boundary: Beginning at James Stringfield's northwest corner, two black oaks and post oak; thence with the same 309 poles, passing his corner and with William Stringfield's line to a white walnut, black walnut and ash, in Rodes' line; thence with the same north 33 west 60 poles, to his corner, two sugar trees upon a branch; thence north 29 west 20 poles, to two white oaks and sugar trees, corner to Harman Reed's head-right; thence with his line north 70 west 170 poles, to his corner, a hickory and black oak, in Buller's line; thence with the same south 4 west 36 poles to his corner, three black oaks; thence with another of his lines north 86 west 30 poles to his corner, a stake; thence with another of his lines north 23 west 214 poles to a hickory and black oak, his corner on Reed's military line; thence with the same south 12 west 300 poles, to a stake, on said line; thence south 42 east 160 poles to the beginning; which patent shall vest the legal title to said four hundred acres of land, in the said Henry G. Hawkins, as fully as if the patent had originally issued according to the original plat and certificate of

Register to issue a patent to Henry G Hawkins.

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Proviso. survey, as recorded in the surveyor's book: *Provided*, that nothing in this act contained, or the grant herein directed to issue, shall be so construed, as to prejudice the claim or claims of any person or persons to said land.

[Approved, January 22, 1829.]

CHAP. 76.—An ACT supplementary to an act entitled, "an act for the benefit of the heirs of Claiborne Walton, deceased," approved December 6th, 1822.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That William J. Garnett and Thompson Crenshaw, the two surviving commissioners appointed by the Barren county court, pursuant to an act of the General Assembly, entitled, "an act for the benefit of the heirs of Claiborne Walton, deceased," approved December 6th, 1822, to sell a grist and saw mill and twenty-four acres of land, shall have power and authority to convey said land and mills to William W. Parrish, the purchaser thereof; and such conveyance, when made, shall divest the said heirs of their title to said land and mills.

SEC. 2. *And be it further enacted,* That said commissioners be empowered to sell and convey one half acre of land, the residue of said tract, in the manner directed by; and according to the provisions of the before cited act.

[Approved, January 22, 1829.]

CHAP. 77.—An ACT supplemental to an act incorporating St. Joseph's College.

Preamble. WHEREAS by the act incorporating St. Joseph's College, the Bishop of Bairdstown, for the time being, is constituted moderator of the board of trustees for said College, and no provision has been made in said act, who should hold said office in case of vacancy of said bishopric, until the election of his successor, or in any other case of suspension of Episcopal functions, according to the discipline of the Roman Catholic Church: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in such case of vacancy or other suspension of Episcopal functions, the person duly exercising Episcopal jurisdiction under the

title of administrator, Vicar-Apostolic, or other title, according to the discipline of the Roman Catholic Church, shall be Moderator, *ex officio*, of the said board of trustees.

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Sec. 2. *Be it further enacted*, That the trustees of St. Joseph's College, who shall hereafter be elected or nominated at the annual elections or nominations of trustees, shall continue in office for one year, and until a new election or nomination of trustees shall be made for said College: *Provided, however*, that the Legislature reserves the right to repeal this charter at pleasure.

Trustees to continue in office for 1 year.

Proviso.

[Approved, January 22, 1829.]

CHAP. 78.—An ACT to amend an act entitled, "an act to incorporate the Cumberland College at Princeton."

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Cumberland College, at Princeton, be, and they are hereby authorised, to sue for and collect in their corporate capacity, any sum or sums of money or property due them by subscription or otherwise. They shall have the power to sue for and collect all sums of money or property, which were subscribed for the purpose of establishing said College, previous to the obtention of the charter, and which the subscribers are by law liable and bound to pay: *Provided, however*, nothing in this act contained, shall be so construed as to alter or change the subscriptions from property to money; but said trustees shall receive said subscriptions in property or money, as the case may be, by the original subscription.

Trustees of Cumberland College may collect subscriptions by suit.

Proviso.

[Approved, January 22, 1829.]

CHAP. 79.—An ACT for the benefit of John Ash.

WHEREAS it is represented to this present General Assembly, that John Ash, of the county of Spencer, was appointed as a committee by the circuit court of Spencer county, to take care of the person of Modlina Miller, who was found by the inquest of a jury, duly empanelled and sworn, to be a lunatic, and possessed of no estate, and that the said Ash, kept and supported the said Modlina Miller, from the 1st day of December 1825, un-

Preamble.

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til the 20th day of July 1828, at which time she was removed to the Lunatic Asylum, and for which he has received no compensation:

John Ash allowed pay for keeping a lunatic.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said John Ash be, and he is hereby allowed the sum of one hundred and thirty-two dollars, for keeping and supporting the said Modlina Miller, as aforesaid, payable out of the public treasury of this State; and the auditor of public accounts is hereby authorised and required to issue his warrant on the treasurer of this State, for and in behalf of the said John Ash, for the sum of money aforesaid.
[Approved, January 22, 1829.]

CHAP. 80.—An ACT for the benefit of William Fish, Robert Langford and John Prewitt.

Preamble.

WHEREAS it is represented to the General Assembly, that William Fish did, on the 5th day of September, in the year 1827, cause a survey of twenty-five acres to be made in Rockcastle county, by virtue of a Kentucky land office warrant, No. 16,519, registered the same and paid the Register's fee thereon; and that Robert Langford caused a survey of thirty-five acres to be made in Rockcastle county, by virtue of a Kentucky land office warrant, No. 13,979, registered the same, and paid the Register's fee thereon; and that the Register of the land office refuses to issue the patents to the said William Fish and Robert Langford, in consequence of the surveyor not certifying in the original plats and certificates, that the surveys were bounded all round by prior claims: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the land office is authorized and directed to issue the patents to the said William Fish and Robert Langford, as in other cases, and that both claims shall be as good and valid, as if they had been bounded all round by prior claims, any law to the contrary notwithstanding.

Register to issue patents to William Fish, & Rob't. Langford.

And whereas it is further represented, that John Prewitt did, on the 20th day of March in the year 1806, cause a survey of one hundred and fourteen acres to be made by virtue of a Knox county court certificate, No. 329; and that two dollars of the State price have been paid; and that by a suit at law brought against the said John Prewitt in the Rockcastle circuit court, the said Prewitt has lost, by a prior and better claim,

all of the aforesaid one hundred and fourteen acres of land, except about fifteen or twenty acres; and that said John Prewitt is a poor man, and cannot well bear the expense of another survey of the land:

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Sec. 2. *Be it therefore further enacted*, That the Register of the land office is authorized and directed to receive and record the original plat and certificate aforesaid, of one hundred and fourteen acres, without fee or any more of the balance of the State price being paid on the same, and issue a patent to the said John Prewitt, as in other cases: *Provided, however*, that nothing herein contained, shall be in any manner so construed as to affect the right of any prior claim or claims whatsoever.

Register to issue patent to John Prewitt.

[Approved, January 22, 1829.]

CHAP. 81.—An ACT for the relief of James Stone, for keeping Polly Norman, a Lunatic, three months.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts issue his warrant on the Treasurer, in favor of James Stone, for the sum of twelve dollars and fifty cents; which sum the Treasurer is directed to pay to the person entitled thereto, in Commonwealth's paper.

[Approved, January 22, 1829.]

CHAP. 82.—An AOT for the benefit of Hezekiah Smallwood.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts shall issue his warrant upon the treasury in favor of Hezekiah Smallwood, for the sum of fifty-three dollars and fifty cents, for keeping and maintaining Eunice Smith, a person of unsound mind, from the 13th day of September, 1826, to the 11th day of October, 1827.

[Approved, January 22, 1829.]

CHAP. 83.—An ACT allowing the county court of certain counties to appoint Constables.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county courts of Scott and Henry, three fourths of the justices of the

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peace for said counties concurring therein, may appoint one or more constables for said counties.

Pulaski, Pike,
Muhlenberg,
Henderson &
Union.

Sec. 2. *Be it further enacted*, That the county courts of Pulaski, Pike, Muhlenberg, Henderson, and Union counties, be and they are hereby authorised, to appoint one additional constable each, a majority of all the justices in commission in each county concurring therein.

[Approved, January 22, 1829.]

CHAP. 84.—An ACT for the benefit of the Sheriff of Jefferson county.

Preamble.

WHEREAS it is represented to this General Assembly, that on the 13th day of February 1827, William Field was commissioned by the Governor of this Commonwealth, as sheriff of Jefferson county, to fill the vacancy occasioned by the resignation of John Murphy, which commission expired at the end of the last session of the Legislature; and whereas the Governor did, on the 10th day of January 1828, nominate said William Field to the Senate, as Sheriff, and the Senate advised and consented to said nomination; but the Governor failed to issue a commission to said Field, in pursuance of said nomination and advice; and that said Field, by himself and deputies, has performed the duties of sheriff of said county, since said appointment and nomination; and whereas doubts have arisen, whether or not he is authorized to distrain for the balance of the revenue tax due by the county of Jefferson: For remedy whereof,

Sheriff authorized to collect taxes, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said William Field be, and he is hereby authorized and empowered, to distrain for any taxes due the said Commonwealth from the county of Jefferson for the year 1827, collectable in 1828.

Further time given to return delinquent lists

Sec. 2. *Be it further enacted*, That said William Field have the further time until the first of June, 1829, to return his delinquent list to the Auditor of public accounts, who shall enter a credit for the same.

County court to certify said lists.

Sec. 3. *Be it further enacted*, That the county court of Jefferson county be, and they are hereby authorized and required, to certify said delinquent list at their May county court.

Sheriff to collect fee bills.

Sec. 4. *Be it further enacted*, That said William Field have full power and lawful authority to settle and collect all fee bills due him, as other sheriffs now have, and to finish his other business as sheriff.

[Approved, January 22, 1829.]

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CHAP. 85.—An ACT for the benefit of the Sheriff of Harlan county.

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BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Harlan county be, and he is hereby allowed until the first day of June, one thousand eight hundred and twenty-nine, to settle with the Auditor and pay into the treasury, the revenue tax due from said county, for the year one thousand eight hundred and twenty-seven: *Provided, Proviso.* however, that the sheriff aforesaid, shall file a written assent of the securities of said sheriff with the Auditor of public accounts, to this indulgence, on or before the first day of April, one thousand eight hundred and twenty nine, otherwise the benefits of this act shall not extend to the sheriff of said county.

Further time given to pay the revenue in- to the treasury

[Approved, January 22, 1829.]

CHAP. 86.—An ACT for the benefit of the Judge of the tenth Judicial District.

WHEREAS it is represented to the present General Preamble. Assembly, that Richard French, judge of the tenth judicial district, is desirous of residing with his father, James French, who is now a very old man, and is desirous that his said son should live with him; and it is also represented, that the said James French does not reside more than about one quarter of a mile without the bounds of said judicial district, in the edge of Montgomery county: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said Richard French, judge of the tenth judicial district, to reside with his father, James French, in the edge of Montgomery county, as though he resided in his said district.

The judge may reside in Montgomery county

[Approved, January 22, 1829.]

CHAP. 87.—An ACT concerning the Independent Banks of Henderson, Shepherdsville and Harrodsburg.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of three years, from and after the passage of this act, be allowed to the independent bank of Henderson, to close and wind up its concerns; and that the provisions of the

Further time given to wind up the bank of Henderson.

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act of the seventeenth of December, one thousand eight hundred and twenty-five, be in full force for that time, so far as it respects the said bank.

The stockholders of the bank of Shepherdsville to elect agents to close its concerns.

Sec. 2. *Be it further enacted*, That the stockholders of the bank of Shepherdsville be, and they are hereby authorised, at such time and place as they shall deem expedient, to convene and elect for the benefit of said bank any number of agents not exceeding three, whose duty it shall be to collect all debts, dues and demands, justly belonging to said bank, and to pay all debts, dues and demands against said bank, so far as the debts, dues and demands belonging to said bank shall come to his or their hands; and they are hereby invested with full power and authority to sue for said debts, dues and demands, in any court of law or equity in this Commonwealth, or elsewhere; and they may be, and are hereby rendered liable to suit, to the extent of the amount collected by them for all debts, dues and demands owing by said bank; and they are hereby invested with power and authority to settle and compromise any claim or demand due the bank, and any claim or demand against the bank, and to sell and transfer any debt, claim or demand due the bank, by assignment or otherwise.

Sec. 3. *Be it further enacted*, That said agent or agents shall continue in office, until they shall be discontinued by the stockholders or the owners of the greater part of the stock, at a meeting to be called for that purpose, by any stockholder or creditor of the bank; and at such meeting, another or other agents may be chosen, in like manner as the first are directed to be chosen.

Sec. 4. *Be it further enacted*, That the stockholders may require of the said agent or agents bond and adequate surety, for the faithful discharge of the agency, and for the making a just and true account of the agency, and the payment of the money collected by them.

Sec. 5. *Be it further enacted*, That the provisions of this act shall extend to the Farmers' Bank of Harrodsburg, and the stockholders of said bank shall enjoy the benefit thereof.

The provisions of this act to apply to the Farmer's Bank of Harrodsburg

[Approved, January 22, 1829.]

CHAP. 88.—AN ACT for the benefit of the Heirs and Representatives of Samuel Holmes.

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Preamble.
WHEREAS it is represented by the petition of Thomas Kennedy and Polly Holmes, administrator and administratrix of the goods and chattels, rights and credits of Samuel Holmes, deceased, late of Lincoln county, that the said Samuel, in his lifetime, purchased a tract of one hundred and fifty-four acres of land, in Lincoln county, on a long credit; that six hundred dollars of the purchase money is unpaid and bearing interest, and will not become due for nine years; that the personal estate is exhausted in payment of the debts of the decedent, and the land is the only remaining property for the payment of the residue of the purchase money, and the support of the widow and children of the said Samuel; and that it is greatly to the interest of said children, that said land be sold, and the debt paid without the accumulation of interest; and whereas it appears that the title of said land still remains in the vendor of Holmes: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said administrator and administratrix, together with the infant children of Samuel Holmes, by their guardian or guardians, to exhibit their bill before the Lincoln circuit court, setting forth and charging the foregoing facts; and also such other facts as they may deem proper, to bring the person or persons holding the legal title of said land before the court; and thereupon said court shall have full power and authority to hear and determine the case, agreeably to the principles of equity and the rules of chancery practice, and to make such decree or order as may be proper between the vendor and the heirs and representatives of said decedent; and if the court shall be satisfied that the interests of the infant children of the decedent, will be best advanced by a sale of said land before they arrive at full age, the court shall decree a sale, to be made at such time and on such credits as will best comport with the circumstances of the case. And the court shall have full power and authority, to order and direct the residue of the proceeds of said sale, after paying all just demands against the estate of the decedent, to be invested in other lands, for the use and benefit of said infant children, and widow, she being entitled to a dower estate only in such land: *Provided, however,* that the court shall require of the

Bill may be filed in, and a sale of land decreed by the Lincoln circuit court.

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commissioner or trustee, who may be appointed to carry into effect the decrees or orders of the court, touching the premises, bond with approved security, for the full and faithful performance of his duty; which bond, shall be made payable to the infant children of said decedent, and filed with the clerk of said court.

[Approved, January 22, 1829.]

CHAP. 89.—An ACT to amend the Laws in relation to Writs of Error and Appeals to the Court of Appeals.

Seal of the court not necessary to authenticate the record.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in the prosecution, consideration, or trial of any cause in the court of appeals, the seal of the court below to the record, or the certificate of the record under consideration, shall not be required or held necessary; but in all cases, the authenticity of the record shall depend upon the proper certificate of the clerk; any law or usage to the contrary notwithstanding.

[Approved, January 22, 1829.]

CHAP. 90.—An ACT for the benefit of the Burlington Academy.

WHEREAS the late trustees of the Burlington Academy, have resigned without the appointment of any persons to fill the vacancy thereby occasioned: Therefore,

Trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Erastus Tousey, Jas. M. Preston, Edward S. Armstrong, Richard Collins, Willis Calvert, Nathaniel E. Hawes and Churchill Gaines, and their successors duly appointed according to the laws in relation to said Academy, shall be trustees of the Burlington Academy, and they are hereby vested with all the powers and privileges, and subjected to all the duties which heretofore belonged to the trustees of said Academy.

Repealing clause.

Sec. 2. *Be it further enacted,* That this act shall take effect from its passage; and all laws coming within its purview are hereby repealed.

[Approved, January 22, 1829.]

CHAP. 91.—An ACT to declare Rough Creek a navigable stream as high as Lampton's mill.

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SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, Rough creek shall be considered a navigable stream and public highway, from its mouth up as high as Thomas C. Lampton's mill. Rough creek declared navigable.

SEC. 2. *Be it further enacted,* That John Litzey of the county of Grayson, and Isaac Green of the county of Breckinridge, be and they are hereby authorised to solicit and receive subscriptions, to be exclusively appropriated to the building of a slope over Sebastian's milldam on said creek; and authority is hereby given to build said slope, whenever a sufficient sum shall be subscribed, or otherwise obtained, to build said slope.

[Approved, January 22, 1829.]

CHAP. 92.—An ACT to amend the law relating to the securities of Administrators and Executors.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever an executor or administrator shall have so acted, as to subject himself to a suit for a *devastavit*, it shall be lawful for the person or persons having a right to bring such suit, to sue upon the bond of such executor or administrator, in which the plaintiff may suggest the *devastavit* complained of, and assign such other breaches as he may deem proper, and may recover against the said executor or administrator, and his or their securities, in the same manner as he could heretofore have recovered against the executor or administrator when sued alone; and the said executor, administrator or securities, as the case may be, may make the same defence as could have been made by such executor or administrator, if they had been sued for a *devastavit*: *Provided*, that no judgment shall be rendered in such suit, until the writ shall have been duly served upon such executor or administrator, unless he or they shall have removed without the limits of this Commonwealth, or shall have absconded or concealed himself or themselves, so that the ordinary process of law cannot be served upon him or them, or when either or all of them have departed this life; which facts shall be returned by the proper officer: *Provided* further, that this act shall not operate upon any cause of action which may exist before the

Securities of executors or administrators may be sued without a *devastavit* against their principals first sued out.

Provided.

Further provided.

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passage of this act; but the law shall remain, as to all such causes of action, as though this act had not passed.

[Approved, January 22, 1829.]

CHAP. 93.—An ACT for the benefit of the Clerks, Sheriffs and Jailers of Ohio, Breckinridge and Daviess counties.

Preamble.

WHEREAS it is represented to the present General Assembly, that the judge of the 14th judicial district was unable to attend the October term of said court, in the counties of Breckinridge, Ohio and Daviess, in consequence of which no allowance was made to the several officers for claims they had against the Commonwealth in their respective counties, nor can any allowance be made till the next October term of said courts: For remedy whereof,

The judge of the 14th judicial district, to allow certain ex officio claims in certain counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the judge of the 14th judicial district, either at his chamber or any time of either of the aforesaid courts, to allow the claim of any of the officers in the aforesaid counties, and certify the same to the clerk of the circuit court for the county in which the claim is allowed, who shall record the same and certify the claim thus allowed to the Auditor of public accounts, who shall audit and issue a warrant for the amount thereof, in the same manner as if the same had been allowed at the October term of the respective courts.

[Approved, January 22, 1829.]

CHAP. 94.—An ACT to change the place of voting in certain precincts.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting at the Canby precinct, in the county of Caldwell, shall be hereafter at the house of Halloway Canby; instead of Larkin Canby.

Sec. 2. *Be it further enacted,* That the place of voting in the State road precinct in the county of Greenup, shall be at the house of Robert Henderson, instead of that of James Chinoweth.

[Approved, January 22, 1829.]

CHAP. 95.—AN ACT to establish the Floyd and Pike county line.

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WHEREAS doubts exist respecting the course of the dividing line between the counties of Floyd and Pike, and that the commissioners of each of said counties did, in the year one thousand eight hundred and twenty-eight, take lists of taxable property of several of the citizens living near said line: For remedy whereof,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the dividing line between the counties of Floyd and Pike, shall be as follows: Beginning at the point where the Lawrence and Pike county lines intersect, at the corner of Floyd county, on the dividing ridge between Wolf creek and Big creek; thence following the highest part of said dividing ridge, to the dividing ridge between Brushy creek and Big creek; thence along said ridge to the highest point of the ridge at the head of Brushy creek; thence along the dividing ridge, between Brushy creek and John's creek, to where said creeks intersect; thence a straight line to the mouth of Hurricane creek; thence down the Louisa fork of Sandy river, to the dividing ridge between Mud and Hurricane creeks; thence along the said dividing ridge to the dividing ridge between the waters of Shelby and Mud creeks; thence along said ridge to the dividing ridge between Shelby and Beaver creeks, to the Perry county line.

The line established.

Sec. 2. That the sheriff or other collectors of revenue and county levies in Pike county, shall not proceed to collect the revenue and levies assessed by the commissioners of Pike county, in the year 1828, of the citizens residing in Floyd county, agreeably to the line as mentioned in the first section of this act; but said sheriff or collector shall have credit for the amount of revenue and levies charged against said citizens, in the same manner that they would, if the aforesaid citizens had actually been citizens of Pike county, and had removed out of said county.

The sheriff of Pike not to collect taxes, &c. of the persons who may be in Floyd by the above line.

Sec. 3. That it shall be the duty of the clerk of the county court of Pike, to transcribe from the commissioner's book before the fourth Monday in April next, a list of all property and persons within said county of Floyd, assessed by the commissioner of Pike county, and forward the same to the clerk of the Floyd county court, who shall transcribe the same twice, one copy of which he shall forward to the Auditor of public accounts, and the other he shall furnish to the sheriff of Floyd county, who shall proceed to collect the same,

The sheriff of Floyd to collect and account for said taxes, &c.

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in the same manner as though it had been assessed by the Floyd commissioner; and the Auditor shall charge the sheriff of Floyd with such additional revenue list, and the county court with the additional levies: *Provided*, that no person shall be compelled to pay twice by the passage of this act.

[Approved, January 22, 1829.]

CHAP. 96.—An ACT to amend an act entitled, “an act to open a road from Elizabethtown by the way of Litchfield, Hartford and Madisonville, to Princeton, in Caldwell county,” approved January 31, 1826.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the pay of the commissioners in the above recited act shall be one dollar and fifty cents per day, instead of one dollar, which shall be levied by the several county courts, and paid as prescribed by the aforesaid act.

[Approved, January 22, 1829.]

CHAP. 97.—An ACT for the benefit of the infant children of Sarah Bryan, deceased.

Preamble.

WHEREAS it is represented to the present General Assembly, that David White departed this life in the year one thousand eight hundred and eighteen; that his son and son-in-law administered upon his personal estate, and proceeded to sell the same according to law; that on the day of sale, all the children of the decedent, who were then living, attended and entered into a written agreement, authorising the said administrators to sell the tract of land on which the said decedent resided at the time of his death, situated now in the county of Lawrence, and bound themselves to convey the same to the purchaser or to the administrators, to be by them conveyed to the purchaser; that the land was accordingly sold, and the bonds for the title executed, and the notes for the purchase money taken, payable at the time then agreed upon; that Sarah Bryan, the wife of John Bryan, one of the children of the said David White, deceased, had departed this life before her said father, leaving nine children, her heirs, three of whom are not yet of age; that the said John Bryan, the father and natural guardian of these infant children, attended the sale of said land and con-

sent to the same, and that the said sale is greatly for the benefit of said infant children; that one Henry Haney became the purchaser for the sum of \$2,501 50, and immediately thereafter took possession, and has ever since held the same; that all the other children of the said David White, except one that has since departed this life, and all the children of the said Sarah Bryan who have arrived at age, have conveyed the title to said land in pursuance of the sale; but that the said Henry Haney refuses to pay about the sum of fourteen hundred dollars with its interest, because of the inability of the aforesaid infant children of the said Sarah Bryan to convey: Wherefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said John Bryan to file his petition in the circuit court of Lawrence county, in the nature of a bill in chancery, and make oath to the truth of the same, and the chancellor shall, if he deems it important to a true development of the facts, call in and examine on oath any other of the heirs who have conveyed, or any other individual acquainted with the facts, or any of them, and also as to the age, condition and situation of the said infant children of Sarah Bryan, deceased, and also as to the value and situation of the said tract of about six hundred acres, so purchased by the said Haney; and if the said court shall be of opinion, that it will be for the benefit of said infant heirs that the said sale to Haney shall be ratified, on their part, a decree shall be rendered to that effect, and appointing a commissioner to convey in their behalf; which conveyance shall be good and effectual in law to pass the title of said heirs to the said tract of land.

Upon petition, the Lawrence circuit court may decree a conveyance of a tract of land.

SEC. 2. *Be it further enacted,* That the administrators of said David White, deceased, shall, upon such conveyance being made, proceed to collect from the said Haney the residue of the said purchase money, and pay the amount due said heirs over to the said John Bryan, their father, for their use: *Provided,* that the said John Bryan shall first have executed bond in the Lawrence circuit court, with good security, to be approved of by said court, in the penalty of at least double the amount of the portion or share of the said infant heirs, in the purchase money aforesaid, reciting the circumstances and reasons for its execution, and payable to the Commonwealth of Kentucky, conditioned for the payment over to each of said infant children, by name, the amount of his or her due pro-

The infants' proportion of the money for the land to be collected and secured to them.

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portion, with interest thereon, when he or she shall arrive at the age of twenty-one years, including legal interest on the amount received by him; but the court may order that the interest be expended in the education or maintenance of the said children, and that being done, shall discharge the condition of said bond as to interest. The lien which the infant heirs aforesaid may have upon the land for the purchase money, shall not be extinguished by reason of a conveyance under this act.

[Approved, January 22, 1829.]

CHAP. 98.—AN ACT to provide for the appointment of Attorneys for the Commonwealth.

Governor to appoint Commonwealth's attorneys. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be appointed by the Governor of this Commonwealth, by and with the advice and consent of the Senate, a proper person resident within the bounds of each judicial district in this Commonwealth, as attorney for the Commonwealth in such district, who shall continue in office for two years, should he conduct himself well, and attend to the several circuit courts within his district, and prosecute all pleas of the Commonwealth arising therein; and each and every attorney so appointed, shall annually receive for his services, the sum of three hundred dollars, to be paid out of the public Treasury, upon a warrant from the Auditor, as in other cases.

To continue in office two years.

Compensation

If the attorney neglect his duty, the judge to appoint some person to act in his place SEC. 2. *Be it further enacted,* That it shall be the imperative duty of the several circuit courts in this Commonwealth, if the attorney so appointed shall fail to attend any circuit court within his district, to appoint *pro tempore*, some fit person to prosecute for the Commonwealth, during the absence of such attorney; and such circuit court shall certify in whose room such services were rendered, and the amount of allowance, and what deduction is to be made from the annual salary of such absent attorney; and the attorney *pro tem.* may produce to the Auditor, at any time before the annual salary of such attorney may become due, such certificate of the court aforesaid; and the Auditor shall issue to the holder of such certificate, upon the delivery thereof, a warrant upon the Treasury for such amount, which shall be paid accordingly; and the Auditor shall note such deduction, and when application is made for the annual salary of such absent attorney,

Compensation to such attorneys.

the Auditor shall only issue a warrant for the amount of the sum remaining, after deducting the sum certified by the court as aforesaid. 1829.

Sec. 3. *Be it further enacted*, That the salaries of attorneys for the Commonwealth, payable out of the public Treasury, shall hereafter be payable quarterly, as other officers are now paid. Salaries of attorneys payable quarterly.

Sec. 4. This act shall continue in force for two years from and after its passage.

[Approved, January 23, 1829.]

CHAP. 99.—An ACT providing for reviewing and marking a way for a road from Columbus to the State line, in the direction to Paris in Tennessee.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Fletcher Sullivan, John Cook, Jonathan Pryor, William Holyfield and B. G. Cartwright be, and they are hereby appointed commissioners, to view and mark a way for a road from the town of Columbus to the State line, on a direction to Paris, in the State of Tennessee, any three of whom shall have power to perform the duties herein prescribed. Commissioners names. Three may perform the service.

Sec. 2. *Be it further enacted*, That the said commissioners, in making their review, shall be confined to the nearest and best practicable route upon which a good road, suitable for the passage of wagons and other carriages of burden, can safely and conveniently pass. It shall moreover be their duty, to note the creeks, swamps and vacant land over which the contemplated road is reviewed and marked as aforesaid; and they shall make official report thereof to the next General Assembly. Commissioners' to take the nearest and best route.

Sec. 3. *Be it further enacted*, That said commissioners, or such of them as may act, shall be allowed the sum of one dollar per day each, for his services, which shall be paid by the receiver of public moneys for said land district, upon the said commissioners filing with the receiver, an account upon oath, of the number of days they may have been necessarily engaged in discharging the duties aforesaid: *Provided*, the sum to be drawn, shall not exceed forty dollars. Compensation to commissioners. Proviso.

[Approved, January 23, 1829.]

1820.

CHAP. 100.—An ACT concerning the Towns of Shelbyville, Georgetown, Hopkinsville and New-Castle.

Trustees of
Shelbyville
may assess ad-
ditional tax.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Shelbyville, shall have the power and authority to assess, levy and collect taxes on such real and personal estate as they may designate, within the limits of said town; but such taxation shall be uniform, on every description of property assessed. They shall also have power and authority to cause all stores within said town to be rated first, second and third rate, and levy and collect a tax on each not exceeding ten dollars per year; and when stores are thus taxed according to the rate, the goods therein shall not be valued and included in the assessment of property for taxation, by the trustees of said town.

May tax stores
by rates.

Fire compa-
nies in Shelby-
ville & George-
town, may se-
lect 31 mem-
bers.

SEC. 2. *Be it further enacted*, That in the month of January, annually, the captains of the fire companies in said town, and in Georgetown in Scott county, shall be and they are hereby authorised to select from the white male citizens residing in said towns, thirty-one persons to compose and constitute a fire company, in each town; which companies, so selected, shall be subject to such by-laws and rules as they may adopt, subject to the approval of the trustees of said towns; the members of which companies shall be exempt from the performance of militia duty, for and during the year they shall be selected as aforesaid.

Trustees of
Hopkinsville
may close up
alleys.

SEC. 3. *Be it further enacted*, That the trustees of the town of Hopkinsville, or a majority of them, shall have power to discontinue and permit to be closed up, any lane or alley, which may have heretofore been opened in said towns: *Provided*, the owner or owners of the lots, on either side of the lane or alley proposed to be closed, shall consent and agree thereto.

Trustees of
New-Castle
may sell cer-
tain alleys.

SEC. 4. *Be it further enacted*, That the trustees of the town of New-Castle, or a majority of them, shall have power to sell and convey the alley beginning at main cross street, between lots No. 129 and 130, and the alley between lots No. 138 and 139, and the alley between lots 109 and 110, and between lots No. 118 and 119. The said sale shall be advertised twenty days, and at a credit of three months; and the proceeds are to be paid over to the town treasurer, for the use of said town.

Sec. 5. *Be it further enacted*, That hereafter the election for trustees in the town of New-Liberty, in the county of Owen, shall be held on the first Monday in April in each year, instead of the first Saturday in July as heretofore.

1829.
Trustees of
New-Liberty.

Sec. 6. *And be it further enacted*, That the trustees of said town shall be and they are hereby authorised to lay a tax on the inhabitants and real estate therein, sufficient to clean and keep in repair, the streets and side walks of the same: *Provided, however*, the tax so imposed shall not exceed one dollar on each tithe, nor twenty-five cents on each hundred dollars worth of taxable property in each year; and said trustees shall have power to appoint a commissioner and collector of the town tax, for the purpose of carrying the foregoing provision into effect.

May assess a
tax, and ap-
point commis-
sioner and col-
lector.

[Approved, January 23, 1829.]

CHAP. 101.—AN ACT adding an additional Justice of the Peace to the counties of Gallatin and Meade, and additional Constables to certain counties.

WHEREAS it is represented to the present General Preamble, Assembly of the Commonwealth of Kentucky, by a number of the citizens of the county of Gallatin, residing in the neighborhood of White's run in said county, that an additional justice of the peace is necessary in said neighborhood: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the* Gallatin. *Commonwealth of Kentucky*, That an additional justice of the peace be allowed to the county of Gallatin.

And whereas a justice of the peace is wanted in the neighborhood of William Prather, in Washington county: Therefore,

Sec. 2. *Be it enacted*, That there shall be an additional justice of the peace allowed to said county. Washington.

Sec. 3. *Be it further enacted*, That there shall be al- Pulaski, lowed an additional justice of the peace to the county of Pulaski, and one additional justice of the peace to the county of Meade, and also one additional constable; Nelson, and one additional constable to the county of Nelson, to reside in Bardstown, and one additional constable Christian. to Christian county, to reside near David Croft's.

[Approved, January 24, 1829.]

1829.

CHAP. 102.—An ACT concerning the town of Henderson.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act which passed the present session, entitled, "an act concerning the town of Henderson," as gives to the trustees of said town, the power of levying additional taxes on the titheables or property of the citizens of said town, be and the same is hereby repealed.

Sec. 2. The surveyors of the streets in the said town, shall have no power to compel any person to work more than three days, in any one year, on the streets of the said town.

[Approved, January 24, 1829.]

CHAP. 108.—An ACT for the benefit of Catherine Bradley, Executrix of Samuel Bradley, deceased.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Catherine Bradley, executrix of Samuel Bradley, deceased, be authorized and empowered to sell and convey any lands of her deceased husband, which might, under the provisions of his will, have been sold by all the executors therein named; and also to make conveyance of any land, which may have been heretofore sold in pursuance of said will; and any sale and conveyance so made by said Catherine, shall, to all intents and purposes, be as binding and as valid as though the other executor named in said will had joined with her in said sale and conveyance.

[Approved, January 24, 1829.]

CHAP. 104.—An ACT to regulate the appointment of Trustees for the Jefferson Seminary.

The county court of Jefferson, may appoint trustees to Jefferson Seminary.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Jefferson county shall, at its April term, 1829, and annually thereafter, appoint seven trustees for the Jefferson Seminary, two of whom shall not have been trustees of the last board, which trustees, so appointed, shall have all the powers, rights and privileges, which by law were vested in the late board, except that they shall not have power to sell, or lease for a longer time than five years, any real estate of said Seminary, nor

shall they expend for the use of said Seminary, any funds belonging thereto, other than rents, interests on money, and the fines and forfeitures to which said trustees may be entitled by law. All acts or parts of acts coming within the purview of this act, are hereby repealed.

1829.

[Approved, January 24, 1829.]

CHAP. 105.—An ACT to authorize the county court of Jefferson to increase the width of certain roads.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Jefferson county may, hereafter, if in their opinion the public interest shall require it, cause the public roads, or any one or more of them within said county, leading from the city of Louisville, to be so widened as not to exceed in width eighty feet: *Provided, however,* that no order to widen any road shall be made by said court, until two or more commissioners, to be appointed by said court, shall have first viewed and examined such road, and reported to the court that the public convenience and interest required that the width of said road should be increased: *And provided also,* that the proprietors of the land through which such road passes, shall be previously summoned to appear at said court, and show cause why said road should not be opened; and any proprietor objecting thereto, shall, upon application to said court, be entitled to a fair compensation for the value of the land to be taken from him by the proposed alteration, the value to be ascertained and compensation to be made in the same manner and subject to the same regulations, as are by law applicable to the proprietors of land through which new roads are proposed to be opened.

[Approved, January 24, 1829.]

CHAP. 106.—An ACT for the benefit of Enos Daniel, Sheriff of Pendleton county.

WHEREAS it is represented to the present General Assembly, that Enos Daniel, sheriff of Pendleton county, has failed, from sickness, to make an entire collection of the revenue due in said county and collectable in the year 1828: Therefore,

1829.

Further time
granted Enos
Daniel to settle
for revenue col-
lected.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Enos Daniel, sheriff of Pendleton county, shall have until the first Monday in May next, to pay into the Treasury of this State, the revenue tax due and collectable from the citizens of Pendleton county during the year 1828: *Provided, however,* that the said Daniel shall not be entitled to the provisions of this act, or the indulgence granted, until he shall have obtained the consent of his sureties, in writing, of their willingness to the indulgence granted, and to remain bound on the bond for the payment of said revenue, nor until said consent, in writing, shall have been lodged with the Auditor, for his approval and safe keeping.

[Approved, January 24, 1829.]

CHAP. 107.—An ACT to complete the Road leading from Bowling-Green to the mouth of Clover.

WHEREAS it is represented to this General Assembly, that the road leading from Bowling-Green to the mouth of Clover creek, runs through Butler county a greater distance than is directed by the law establishing said road; and the county court of Butler county, having doubts of their authority to cut out said road so great a distance: Therefore,

County court
of Butler to
appoint cer-
tain road over-
seers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the county court of Butler county, to appoint one or more persons, as an overseer or overseers, and to allot a sufficient number of hands to open and clear out said road, or so much thereof as shall pass through Butler county, who shall be governed by the laws now in force in relation to public highways.

Sec. 2. *Be it further enacted,* That so much of said road as runs through Butler county, shall be opened thirty feet wide, the stumps well cut, all banks dug down, and all marshy places well causewayed with timber, so as to admit of a convenient and safe passage for wagons and other wheel-carriages.

[Approved, January 24, 1829.]

CHAP. 108.—An ACT authorizing the "Kentucky Sentinel" to publish advertisements.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the editor of the "Kentucky

Sentinel," printed in Georgetown, shall have a right to publish in his newspaper, all publications authorized to be published in any newspaper in this Commonwealth, except such advertisements as are required to be published in the paper of the public printer; and he shall be authorized to receive the same fees that are allowed to other printers, for similar services.

1829.

[Approved, January 24, 1829.]

CHAP. 109.—An ACT to regulate the manner of voting of the citizens of Spencer, Anderson and Edmondson, at elections for members of Congress.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the qualified voters of the counties of Spencer, Anderson and Edmondson, shall, at the election of members to Congress, respectively vote for a member to Congress in that district where his place of residence at the time of voting would have entitled him to vote, if neither of said counties had been formed, any law to the contrary notwithstanding.

[Approved, January 24, 1829.]

CHAP. 110.—An ACT for the benefit of Hugh Brent and William Hodge.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon an appropriate bill or petition being filed in the Bourbon circuit court, by Hugh Brent and William Hodge, surviving trustees appointed by the will of Andrew Todd, deceased, and holding certain property under said will for the benefit of Andrew David Holt, the judge of said court is hereby authorised and empowered to direct said Brent and Hodge to convey the trust estate to two other fit and competent persons, to be by them named in their petition, and notified thereof, and who may receive the same, subject to the trusts expressed in said will.

Bourbon circuit court may take jurisdiction and direct Hodge & Brent to convey estate to other trustees.

Sec. 2. *Be it further enacted,* That the conveyance made under the direction of the judge aforesaid, and approved by him, shall be effectual to vest in the grantees, all the powers, rights and privileges, and to substitute them to all the duties and responsibilities, in relation to the said trust estate, which vested by will in the trustees named therein, and shall, from and after its due execution, be effectual to release, exonerate

Conveyance to be good.

1829.

and discharge the trustees in said will named, their heirs, executors and administrators, of and from all future liability, obligation or duty, in relation to said trust estate or the *cestui que' trusts* thereof.

[Approved, January 24, 1829.]

CHAP. 111.—An ACT for the benefit of Polly Griffith.

WHEREAS by an act approved January 25, 1827, all persons whatsoever, were prohibited from entering the northeast quarter of section 31, township 2 north, range 3 west, during the lifetime of Polly Griffith; but a certain James Campbell did, after the passage of said act, enter the said quarter section, and obtained a patent therefor, and has executed a bond to the said Polly Griffith for the conveyance of the same; but doubts are entertained whether, under the circumstances, the title of the Commonwealth has been divested:

Be it therefore enacted, That it shall be lawful for the said James Campbell to convey the aforesaid quarter section of land to the said Polly Griffith, according to the terms of his bond aforesaid; and upon his so doing, all the title thereto, if any there be, remaining in this Commonwealth, shall vest in the said Polly Griffith, according to the terms of such conveyance: *Provided, however*, that nothing herein contained shall operate so as to affect the present vested interest of any person or persons, except those above named.

[Approved, January 24, 1829.]

CHAP. 112.—An ACT to establish Election Precincts in Hart and Shelby counties.

Election precinct in Hart county.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Hart county within the following bounds, to wit: Beginning on Bacon creek, where Daniel M. Jones now lives; thence with the great road leading from Munfordsville to Elizabethtown, to where the Hart county line crosses the same; thence with said county line to Nolin; thence down Nolin to the mouth of Dog creek; thence with said county line to Green river; thence up Green river to the mouth of Cub run; thence a straight line to where John Self now lives; thence to the beginning; shall be and the same is hereby established into an

election precinct; and at the elections held in said county, the qualified voters in said precinct shall meet at the house now occupied by Matthew M. Culley, for the purpose of giving their votes: *Provided*, nothing in this act shall prevent any of the voters in said county from either voting at the court-house, or in said precinct; and it shall be the duty of the county court for said county, at the same time they appoint a clerk and judges to attend the election held at the court-house, to appoint judges and a clerk to attend the elections to be held in this precinct; and the sheriff of said county shall, by himself or deputy, attend the election to be held in the precinct, in the same manner that he is required by law to attend the election held at the court-house.

1829.

Place of voting

Sec. 2. *Be it further enacted*, That the sheriff of said county shall compare the polls at the court-house in said county, on the Friday succeeding the election. Polls when to be compared.

Sec. 3. *Be it further enacted*, That all that part of the county of Shelby lying within the following boundary, to wit: Beginning at the Benson bridge on the Franklin county line; thence with the Bardstown road to where the same crosses Jephtha creek; thence to the Spencer county line; thence with said line to the Anderson county line on crooked creek; thence with the Anderson county line to the beginning; shall be and the same is hereby formed into and constituted an election precinct in said county of Shelby; and the qualified voters in said precinct may meet at the house of Lewis M. Bailey, in said precinct, and vote at all elections hereafter held agreeably to law. Precinct, Shelby county. Place of voting

Sec. 4. *Be it further enacted*, That the county court of Shelby county, at the time they appoint judges and a clerk of elections to be held at the court-house of said county, shall also appoint judges and a clerk to conduct the elections held at the precinct hereby established. County court to appoint judges & clerk.

Sec. 5. *Be it further enacted*, That the sheriff of said county shall, by himself or deputy, attend the elections hereafter held in said precinct; and shall, on the Saturday succeeding any election as aforesaid, cause the votes taken at the court-house, and those taken within said precinct, to be carefully compared, and make return thereof according to law. Sheriff to attend.

Sec. 6. *Be it further enacted*, That nothing herein contained, shall be so construed, as to prevent the May vote at court-house.

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qualified voters in said precinct from voting at the court-house of said county as heretofore, if they elect to do so.

[Approved, January 24, 1829.]

CHAP. 113.—An ACT to provide for widening the road from Lexington to Maysville.

Commissioners appointed. SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts of Fayette, Bourbon, Nicholas, Fleming and Mason counties shall, at their sessions to be held in the month of February, March or April next, appoint within their respective counties, three suitable persons to act as commissioners within the same, for the purposes hereinafter mentioned.

To examine the road from Lexington to Maysville.

Sec. 2. *Be it further enacted,* That the commissioners so appointed, shall, as soon as may be, together with a surveyor duly qualified, proceed to examine so much of the great road leading from Lexington through Paris, Millersburg, Lower Blue Licks, Mayslick and Washington to Maysville, as lies within their respective counties, and to lay off in addition and contiguous to the same, and on either or both sides thereof, through its whole length, except where the nature of the ground or the interposition of valuable houses may prevent, a strip or strips of ground, sufficient to increase its width to sixty feet; regarding in the location of such additional strip or strips, as well the convenience and expense to the public, as the advantage or disadvantage to the several owners of the land so to be added to the road; and they shall report to the county court of their county, as soon as may be, a plat and proper description of the addition thus made; and the roads by them reported and described, shall be considered as established by their report, except where a change in its location may be proposed by them and established by the court, as in the ensuing sections of this act is provided for.

To make report of plat.

May extend the width of said road to sixty feet.

Sec. 3. *Be it further enacted,* That where it shall appear to the commissioners in the examination of the road, that the location of any portion of it within their respective counties, may be changed with advantage to the public, they shall have power to lay off a new road sixty feet in width, with the exceptions aforesaid, and shall report a plat and proper description of the same to their next county court; and the court, upon

the receipt of the report, shall proceed immediately to determine, in the same manner as in other cases of establishing roads, except where by this act is otherwise provided, whether such proposed change shall be established: *Provided*, that no such new way shall be established, if it shall pass on a different side of, or at a greater distance than the present road does, from any house now occupied as a tavern on the present road, unless with the concurrence of two thirds of the justices present in court, or with the consent of the proprietor of such house; nor shall any such road be established, if it increase the distance from point to point, nor so as to avoid any of the places mentioned in the second section of this act, through which it now passes; and in reporting such new way to the court, the commissioners shall specify the advantages to the public, and the advantages and disadvantages to individuals, which will result from its establishment.

Sec. 4. *Be it further enacted*, That upon the establishment of any or all of the proposed changes in the location of the road, so much of the present road as shall not be included in such new location, shall not be increased in width under this act, but may be discontinued by the county court as other roads are discontinued; and it shall be the duty of said several county courts, to cause to be recorded by their clerk, a plat and description of so much of said road as is within their respective counties, as the same shall be enlarged and established under the provisions of this act; and it shall thenceforth be the duty of the several surveyors of said road, to have the same immediately opened to its full width as established, and to keep it open, smooth and in good repair according to the regulations which are or may be provided for other public roads.

Sec. 5. *Be it further enacted*, That the commissioners while laying off the road as above provided for, shall ascertain what quantity of land belonging to each individual, will be occupied by the road by reason of its increased width, and of any and each proposed change in its location, and shall estimate the damages which should be paid to each proprietor on account of the land to be so occupied, and on account of the removal of fencing or other buildings which may be necessary for opening the road; and they shall give notice to the owner or his agent, if resident upon the land, of the amount of damages so estimated, and may receive from him his assent in writing, to accept the

1829.

Certain portions of the road to be discontinued.

Damages by widening the road to be paid for.

1829.

amount so estimated in full of all damages; all which matters they shall report to their respective county courts. And when the commissioners and owners shall have agreed as aforesaid, as to the amount of damages, the county court shall have such amount and the names of the persons to whom payable, entered of record, and shall provide for the payment of the same at their next levy court; when there shall be no such agreement, the said court shall cause a summons to issue against the owner or owners, requiring him or them to appear at the next session of the court, to say whether he or they will receive the amount estimated by the commissioners, in full of all damages; and on his or their failure to appear after due execution of the summons, the estimate of the commissioners shall be taken as the true amount of damages, and the payment thereof provided for as above directed; but should any party or parties so summoned, appear and contest the estimate of the commissioners, the court shall immediately hear such evidence as may be adduced, and thereupon determine the amount of damages, or at the option and proper cost of any party so contesting the estimate, a jury shall be immediately summoned to ascertain the damages; and the damages, as ascertained in either mode, shall be paid out of the county levy, as aforesaid.

Commissioners
to be qualified.

Sec. 6. *Be it further enacted*, That the commissioners to be appointed as aforesaid, shall, before entering upon the duties prescribed by this act, take an oath for the due performance of them, before some justice of the peace for their county, whose certificate of the oath shall be annexed to their report. They may make their reports from time to time, as they proceed with their work, which shall be acted upon by their county courts as soon as received; and they shall be entitled to a compensation to be fixed by their respective county courts, not to exceed two dollars for every day they may have been actually employed in the duties herein prescribed; and the surveyor employed by them, shall be reimbursed for all necessary expenses in procuring chain carriers, and shall also receive a compensation not exceeding three dollars for each day that he is actually engaged under their direction; his claim to be settled and paid as aforesaid.

[Approved, January 24, 1829.]

CHAP. 114.—An ACT to amend the laws concerning the Town of Lexington.

1829.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the qualifications required by the constitution in voters for members of the Legislature, the voters for trustees and other officers for the town of Lexington, shall be actual residents of said town at the time of voting; and none other shall be entitled to vote at any such election. Who shall vote for trustees.

Sec. 2. *Be it further enacted*, That it shall be the duty of the trustees of said town, previous to each election, to select out of the justices of the county court, two justices, as judges, who shall preside over such election, in all respects and with like powers that are exercised by judges of elections for members of the Legislature, for which they shall be entitled to be paid by the town the same compensation: *Provided, however*, if those that may be chosen shall fail or refuse to act, the said trustees may select any other justice or justices of the county that may consent to act. Judges of the election.

[Approved, January 28, 1829.]

CHAP. 115.—An ACT to amend an act incorporating the Shelbyville and Louisville Turnpike Road Company.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the president and managers of the Shelbyville and Louisville turnpike road company be, and they are hereby authorised and empowered, to borrow any sum of money not exceeding twenty thousand dollars, on the credit of the company, for the purpose of completing and repairing said road; and said president and managers may give the obligation or obligations of the company, under the seal thereof, for all such sums or to renew the same. A loan authorized.

Sec. 2. *Be it further enacted*, That the seventh section of an act approved December 14th, 1825, entitled, "an act to amend the acts relative to the Shelbyville and Louisville turnpike road company," shall apply to the whole road. Enlarging provision.

Sec. 3. *Be it further enacted*, That the president and managers of said company, shall not be compelled to keep the side roads in repair for the passage of wagons and wheel carriages, and shall have the power to compel all carriages and wagons running said road, to Company may compel wagons &c. to keep on turnpike.

1829.

keep on the turnpike; but they shall keep the side roads in good repair for single horses and stock; and they may place the stone work on one side of the road, if they shall deem it to the advantage of the road.

[Approved, January 28, 1829.]

CHAP. 116.—An ACT for the benefit of Sally Willis, administratrix of the estate of Joseph Willis, deceased.

WHEREAS it is represented to the present General Assembly, that Joseph Willis, late of Barren county, died intestate, leaving amongst other property, a certain negro man slave, named Aaron, who is so very refractory and turbulent in his disposition, as to render it unsafe for Sally Willis, the widow of said intestate, to keep said slave in her family: Wherefore,

Sally Willis
authorized to
sell a certain
slave.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Sally Willis, administratrix of Joseph Willis, deceased, to make sale of said negro, for the best price that can be had, having first entered into bond in the Barren county court, with sufficient security, in the penalty of eight hundred dollars, conditioned for the faithful performance of her duty, according to the provisions of this act.

Proceeds of
sale to be in-
vested in other
slaves.

SEC. 2. *Be it further enacted*, That when sale shall be made of said slave, it shall be the duty of said Sally Willis to reinvest the proceeds thereof in one or more negroes, to be subject to the same disposition as other slaves left by said decedent.

[Approved, January 28, 1829.]

CHAP. 117.—An ACT to incorporate the Louisville Marine and Fire Insurance Company.

Company in-
corporated.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Edmund T. Bainbridge, William H. Pope, Philip R. Gray, Lloyd D. Addison, Benjamin Lawrence and Horace B. Hill, together with those who shall hereafter become stockholders as hereinafter directed, shall be, and they are hereby created and made a corporation and body politic, by the name and style of the President and Directors of the Louisville Marine and Fire Insurance Company, and shall so continue until the first day of January, 1850, and by that name are hereby made able and cap

able in law, to have, to purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, to an amount not exceeding in the whole, two hundred thousand dollars, and the same to sell, grant, demise, alien and dispose of; also, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity in this Commonwealth or elsewhere; also, to make, have and use a common seal, and the same to break, alter or renew at pleasure; also, to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall be necessary and convenient for the government of said corporation, which are not contrary to law; and generally to do and execute all and singular the acts, matters, and things, that a corporation may rightfully do, in the premises.

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Sec. 2. *Be it further enacted*, That the persons named in the first section, shall open books of subscription for the stock in said company, which stock shall consist of two thousand shares of one hundred dollars each, payable in gold or silver coin, and at the time of subscribing, they shall have a right to demand and receive ten dollars on each share, and to secure the residue by taking obligations, with adequate security for the same, payable in six months, which obligations may be renewed, from time to time, either for the whole or such part thereof as the company shall determine.

Books for subscribing stock to be opened.

Sec. 3. *Be it further enacted*, That the shareholders shall meet at the place of opening books for the subscription of stock in said company, on the first Monday of May 1829, and at the office of the company on the first Monday in March in each succeeding year, and elect a president and eight directors, who shall continue in office until the first Monday in March of the ensuing year, and until their successors shall be elected, of which elections previous notice shall be given in the newspapers printed in Louisville, at least two weeks; and in case of the death, resignation, or removal from the city, of the president or any directors, the remaining directors shall elect some person to fill the vacancy, for the residue of the year; and no person shall be a director, who does not own ten shares of the stock and is not a resident of the city of Louisville.

First meeting of shareholders

Directors to be elected.

Sec. 4. *Be it further enacted*, That in all elections by the shareholders, each share to the number of ten, shall be entitled to one vote, and every five shares thereafter, owned by the same person, shall entitle him

How to vote.

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to one additional vote; but no person that is not a resident of the State of Kentucky, shall have a vote, and no shareholder shall have a vote at any election for president and directors, unless he shall have been the owner of the stock three months prior to such election, by a regular transfer upon the books of said company, and shares may be voted on by proxy or by the executor or administrator of the deceased owner.

To appoint of-
ficers.

Sec. 5. *Be it further enacted*, That the president and directors, for the time being, shall have power to appoint such officers and agents under them as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the discharge of their respective duties and trusts, and the said president and directors shall make by-laws and ordinances to govern the corporation, and may repeal, alter and amend them; and the president and four directors shall constitute a quorum for the transaction of business, or five directors, without a president, one of whom shall be chosen president for the time being.

Power to make
insurance.

Sec. 6. The president and directors shall have power and authority, in the name of the company, to make all kinds of insurance upon vessels, boats, or crafts navigating on the western waters or the high seas, also against fire in town or country, and upon the transportation of goods, wares and merchandize, and to do, transact and perform all matters and things relating to said objects, subject to the regulations and restrictions of the shareholders.

A statement of
the situation of
the company,
to be laid be-
fore the stock-
holders.

Sec. 7. On the first Monday in September, and on the first Monday in March, of each year, half yearly statements shall be made of the situation of the capital, and of the state of the accounts of the company, which shall be laid before the shareholders, with the amount, number and character of the risks undetermined, and such other matters and things as shall be necessary for the information of the shareholders, and such dividends of the profits may be made as the president and directors may think advisable; but they shall not diminish the capital stock. The shareholders may, at the half yearly meetings, pass by-laws and ordinances for the regulation of the business of the company, and the regulation of the president and directors, as they shall think proper, and which shall not be repealable, altered or amended, except by the shareholders; and none but a citizen of this Commonwealth and a shareholder, shall be eligible as president or director, and no com-

Shareholders
may make by-
laws.

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 pension shall be made to the president and directors, unless allowed by a majority of the shareholders at some general meeting.

Sec. 8. Every writ may be served on the corporation by executing the same on the president or the secretary, which shall authorise a judgment by default, if the corporation fail to appear. Process how served on company.

Sec. 9. The said company shall have no right to loan money or in any manner to exercise banking powers. Not to exercise banking powers.

Sec. 10. The right to repeal or modify this charter from time to time is reserved to the General Assembly. Charter may be repealed.  
 [Approved, January 28, 1829.]

CHAP. 118.—An ACT to regulate the duties of County Court Attorneys.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts of this State, a majority of the justices concurring, may appoint, annually, an attorney for the county, whose duty it shall be to attend each of the courts for their respective counties; to attend to all cases and business pending in court, wherein the rights or interest of the county is concerned; to give legal advice to said court, or to any of the justices, when required, in relation to any county business pending before them; to conduct motions or prosecutions of whatever nature or kind, depending in said court against constables, sheriffs or other officers subject to their jurisdiction; and it shall be the especial duty of said attorneys, in their respective counties, to be present at the court of claims, to assist in investigating all claims presented for allowance; to see that none but those which are just and legal shall be passed; to see that in granting tavern licences the laws on that subject be strictly complied with; and to attend, when required, to assist in enforcing the laws against riots, routs and breaches of the peace. County courts may appoint attorneys with a salary.

Sec. 2. *Be it further enacted,* That the county courts shall, at their court of claims, include in their county levy such sum of money as shall be deemed reasonable for the services performed by said attorney, to be paid over to him when collected. Their salary.

[Approved, January 28, 1829.]

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CHAP. 119.—An ACT for the benefit of William W. Sharp:

WHEREAS it is represented to the present General Assembly, that William W. Sharp was appointed by his Excellency, the Governor of Kentucky, as agent on the part of this State to receive Isaac Johnson, alias John Richman, from the authority of Virginia, a fugitive from the justice of this State; which agency was performed, and said fugitive brought to justice: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Auditor of public accounts is hereby directed to issue a warrant on the Treasury, in favor of said William W. Sharp, for the sum of sixty-one dollars and twenty-five cents, as compensation for said services.

[Approved, January 28, 1829.]

CHAP. 120.—An ACT to appropriate the fines and forfeitures of Oldham and Scott counties.

*SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter all fines and forfeitures imposed or accruing in the county of Oldham, (except militia fines,) for the benefit of the Commonwealth of Kentucky, shall be, and the same are hereby appropriated to lessening the county levy of said county.

Certain fines in Oldham county, applied to lessening levy.

*SEC. 2. Be it further enacted,* That all fines and forfeitures which have accrued or which may hereafter accrue in the county of Scott, whether the same be directed to be applied towards lessening the county levy, where such fine or forfeiture shall not have been accounted for, shall be vested in, and paid over to the trustees of the Writtenham Academy; and that all officers who shall be bound by law to collect and account for such fines and forfeitures, shall annually account for and pay the same to the chairman of the trustees of said Academy.

Fines in Scott county, how applied.

[Approved, January 28, 1829.]

CHAP. 121.—An ACT to amend the law establishing an Academy in the county of Caldwell.

WHEREAS it is represented to this General Assembly, that all the trustees appointed by an act approved the

twenty-second day of December one thousand eight hundred and twelve, "establishing an Academy in the county of Caldwell," are not inhabitants thereof: Wherefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following gentlemen are hereby appointed trustees of the Princeton Seminary, to wit: Thomas Johnson, John O'Harra, Matthew Lyon, Arnold Jacobs, Enoch Prince, Buford T. Lewis, Logan Armstrong, George Pemberton and William Wadlington, sen. to act in conjunction with the trustees appointed by the county court; and that they be allowed the same privileges, and governed by the same rules and regulations, as are prescribed in said recited act.

Trustees to Princeton seminary.

Sec. 2. *Be it further enacted*, That said trustees, who shall act, shall have power to examine and proceed to an investigation of the financial concerns of the said Seminary, to ascertain whether there are any lands belonging to said institution, and to ascertain in what manner said lands, set apart for the use of the institution, have been disposed of; and thereupon, if it shall appear that any illegal transfers have been made of said lands, they shall have power, in their name, to prosecute, sue for, and recover the same, in any court having common law or chancery jurisdiction in this Commonwealth.

To investigate the financial affairs of the seminary.

Sec. 3. *Be it further enacted*, That it shall be the duty of said trustees, to apply all money or other thing that may come to their hands, by donation or otherwise, to the use of said Seminary.

Money, &c. how applied.

[Approved, January 28, 1829.]

CHAP. 122 —An ACT to add a Justice of the Peace to Trigg county, and a Constable to Fayette county.

WHEREAS it is represented to this Legislature, that the citizens of the town of Canton, from their commercial situation, experience much inconvenience for want of a justice of the peace in said town: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional justice of the peace be allowed to the county of Trigg.

Magistrate to Trigg county.

And whereas it is represented to this General Assembly, that there is no constable residing on the north side of North Elkhorn, in Fayette county: Therefore,

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Constable to  
Fayette.

Sec. 2. *Be it further enacted*, That the county court of Fayette be, and they are hereby authorized to appoint an additional constable in said county, to be qualified according to law.

[Approved, January 28, 1829.]

CHAP. 123.—An ACT for the benefit of the Sheriff of Casey county.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor be, and he is hereby directed, to stay execution on a judgment lately obtained in the general court, against Benjamin W. Napier, sheriff of Casey county, until May next; if then punctually paid, the damages to be remitted: *Provided*, the securities of said Napier shall give their written assent to said indulgence, and that the same be filed in the Auditor's office before the the first Monday in January, 1829.

[Approved, January 28, 1829.]

CHAP. 124.—An ACT supplemental to an act, entitled, "an act to reduce the price of vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land," approved January 8, 1829.

Elder occupant to hold the land.

Proviso.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That where two or more persons reside on the same quarter section of land, claiming the benefits of the aforesaid act, the oldest occupant shall have the preference: *Provided, however*, that he shall permit the junior occupant or occupants to remain in the peaceable possession of his or their improvement for the term of two years, from and after the passage of this act.

Sec. 2. *Be it further enacted*, That it shall be the duty of each person applying to the circuit or county court for a certificate, to prove before said court the particular quarter section, or fractional quarter section on which they reside, which, when proven, shall be authority to the receiver, which he shall be bound to take.

[Approved, January 28, 1829.]

CHAP. 125.—An ACT for the benefit of the Wife and Children of Thomas Q. Roberts.

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WHEREAS it is represented to the General Assembly, that Mary May, did, on the 16th day of November, 1825, by her deed in writing, convey to John W. Coleman, in trust for the use of the wife and children of the said Thomas Q. Roberts, a certain lot of ground with improvements, containing about one acre and one half acre, together with another small lot adjacent thereto, the whole adjoining the town of Versailles; that the said premises are not profitable or likely to become so, and that it would be advantageous to the parties, to be permitted to exchange the premises for other real estate, more beneficial to the uses declared in said deed of trust: For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the wife and children of Thomas Q. Roberts, jointly with Mary May and John W. Coleman, to file their petition in either of the circuit courts of Woodford or Anderson counties, setting forth the state of facts, with a prayer to the judge of the court where the same may be filed, that the said lots and their improvements may be exchanged for other real estate, or that the same may be sold (if an exchange cannot be effected,) and the proceeds of the sale to be vested in real estate; and upon the filing of said petition, the court may appoint a commissioner or commissioners, who shall go upon the premises, and examine the same, and make report of the probable value of the lots and their improvements, and the value thereof per annum; upon which report, the court, in its discretion, if it shall be of the opinion that the exchange or sale of the premises, to be reinvested in other real estate, will be more profitable to the parties, may decree an exchange or sale of the said lots and improvements, for the purposes aforesaid, under such limitations and upon such conditions as will secure the wife and children of the said Roberts in their interest, according to the intent of said trust; and to enable the court to act advisedly on the subject, it may examine witnesses in court to any fact relative to the cause: *Provided*, that if any of the parties interested do not join in the petition, before the court shall make a final decree therein, such parties shall be duly summoned to appear in court, and make their defence, if any they have to make, against such decree; and the said court shall have power to make all orders necessary to bring the case to a speedy and final termination.

Wife and children of Thomas Q. Roberts, may join in petition to court for sale of lot of land.

Court may decree according to the circumstances of the case.

Provido.

[Approved, January 22, 1829.]

1829.

CHAP. 126.—An ACT to amend an act, entitled, "an act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes," approved February 8th, 1819.

Other commissioners appointed.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Riggs of the county of Boone, Bailey Kendall of the county of Campbell, and Thomas Clark of the county of Grant, be, and they are hereby appointed commissioners, in addition to the commissioners now appointed under the act to which this is an amendment, who are hereby invested with the same trusts and powers, and made subject to the same responsibilities, as are provided by that act, in relation to the commissioners appointed under it.

Commissioners may resign and county courts to fill vacancies.

SEC. 2. *Be it further enacted*, That when either of the commissioners appointed by this act shall wish to resign, they may do so before the county court of the county in which they severally now live, and it shall be the duty of the county courts of the respective counties aforesaid, in case of the death, resignation, refusal to act, or removal out of the county, to appoint some other fit person or persons in his or their stead, and to fill such vacancy, from time to time, as the same may occur; and those appointed by either of said county courts, shall possess the same power, as those designated by the act to which this is an amendment.

[Approved, January 29, 1829.]

CHAP. 127.—An ACT to establish a ferry across the Ohio river, opposite James M'Farland's.

Ferry across the Ohio opposite James M'Farland's.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That a ferry across the Ohio river be, and the same is hereby granted and established in the county of Livingston; and from the land on the Ohio river opposite the ferry of James M'Farland, in the State of Illinois, and where the road crosses said river, in favor of William and James Elder; and the county court of Livingston are hereby authorized and required to fix the rate of tolls, and to take from the said Elders bond and security for keeping up said ferry, and to have the same renewed, from time to time, as in case of other ferries established across the Ohio river: *Provided, however*, that nothing in this act shall be so construed as to divest the owner or owners of the land on which said ferry shall be established, from re-

Proviso.



possessing himself of his right, whenever he shall appear or establish his title, in the same manner, and to as full an extent, as if this act had not passed.

1829.

[Approved, January 29, 1829.]

CHAP. 128 — An ACT to regulate the formation and guaging of Liquor Barrels.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the callipers shall be the standard for guaging all casks or barrels of liquors distilled in this Commonwealth; and in a merchantable cask or barrel, the staves and heading shall be of good and well seasoned timber, clear of sap; the staves to be thirty-two inches long, and not less than three quarters nor more than one inch thick at each end, nor less than one half nor more than three quarters of an inch thick at the bulge, nor to exceed one inch in thickness in any part; the heading to be eighteen inches deep in the clear, and not less than one nor more than one and one quarter of an inch thick, with not less than two strong dowels in each head seam; the cask or barrel shall have a bulge in a fair proportion to its length and depth, and to be bound with not less than fourteen strong hoops.

Liquor barrels to be made of certain dimensions.

Sec. 2. This act shall be in full force from and after the first day of July next.

[Approved, January 29, 1829.]

CHAP. 129 — An ACT to alter the name and extend the limits of the Town of Mount Vernon in Bullitt county, and to regulate the powers of the Trustees of Glasgow.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the town of Mount Vernon, in the county of Bullitt, shall be styled and known by the name of "Mount Washington," and the trustees thereof shall be known by the name and style of the trustees of Mount Washington, and by that name shall sue and be sued, and in all respects the business and duties of said trustees shall be conducted as though the name of said town had not been changed, according to the law now in force.

Mt. Vernon in Bullitt county, changed to Mt. Washington.

Sec. 2. *Be it further enacted*, That the trustees of the Limits thereof said town of Mount Washington be, and they are here- enlarged.

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by allowed and permitted to enlarge the said town so as to include ten acres of land belonging to Samuel Evans, lying on the western end of said town, to be situated on each side of the main road leading from Bardstown to Louisville, to be laid off in such form and manner as the said trustees shall direct, with convenient streets and alleys running through the same. The said trustees shall cause a survey to be made of said enlargement and record the same on the record book of said trustees, and also a copy thereof in the clerk's office of the Bullitt county court, taking care that said lots shall contain one acre each, and that they be numbered so as to correspond with the numbers already affixed to the lots of said town, as now laid off.

Jurisdiction of trustees extended.

Sec. 3. *Be it further enacted*, That when the said survey shall be made and approved of by said trustees, and recorded as herein before directed, the jurisdiction of the said trustees shall extend to the said enlargement, and be in all respects under the government of the trustees of said town, in the same manner that they now entertain jurisdiction in and govern the said town of Mount Washington, according to the laws now in force concerning the same.

Trustees of Glasgow restrained.

Sec. 4. *Be it further enacted*, That the trustees of the town of Glasgow, shall not have authority to impose a quarter poll tax on each citizen, than seventy-five cents, nor more than six and one fourth cents on each hundred dollars worth of taxable property within the limits of said town.

[Approved, January 29, 1829.]

CHAP. 130.—An ACT to open a State Road from the mouth of Salt river by way of Hardinsburg and Hartford to Greenville, in Muhlenberg county.

Commissioners to view a road from mouth of Salt river to Greenville.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Murray of the county of Meade, James Moorman of the county of Breckinridge, Robert Mosley of the county of Ohio, Moses Wickliffe of the county of Muhlenberg, Henry Ditto of the county of Hardin, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, to view and mark out the best, most direct and practicable way for a road from the mouth of Salt river, by the way of Hardinsburg in Breckinridge county, Hartford in Ohio county, to Greenville in Muhlenberg county.

Sec. 2. *Be it further enacted*, That the several county courts of the counties through which the road may pass, may at their next county court thereafter or as soon as practicable, lay off so much of said road as shall pass through their several counties, into convenient precincts, and appoint to each an overseer, and allow to each overseer a sufficient number of hands to perform the necessary labor within his bounds. And it shall be lawful for each of said overseers to give all persons within his bounds a legal notice of the time and place of working said road; and the said overseer and hands shall in all other respects be governed by the laws now in force in relation to working on roads; and it shall be the duty of said overseers, to cause the said road to be opened thirty feet wide, the stumps well cut, the banks of creeks and other sideling places to be well dug, and all marshy places to be well causewayed, so as to admit of a convenient passage for wagons.

1829.

County courts to lay off said road into precincts.

Sec. 3. *Be it further enacted*, That each of said commissioners, so employed, shall receive for his services one dollar and fifty cents for each day that he may be necessarily employed in the duty prescribed by this act; which shall be paid by the respective counties through which said road passes, rateably, to the extent of said road in each county.

Compensation to commissioners.

Sec. 4. *Be it further enacted*, That it shall be the duty of the aforesaid commissioners to make report to their several county courts of their proceedings, also through whose land the said road will lead, if opened, and report in what county the said land lies, whereupon it shall be the duty of the several county courts to issue summons against the owner of said land, who may reside in their respective counties, returnable to the court next succeeding the making said report, to show cause, if any, why the said road should not be opened; and upon the appearing of the said owners or occupiers, and protesting against the opening of said road, it shall be the duty of such county court, when application may be made, to award a writ of *ad quod damnum*, directed to the sheriff of the county in which such application may be made, whose duty it shall be to summon twelve good and lawful jurors, to ascertain and assess what damage, if any, the said applicant will sustain by reason of said road leading through his land; and the said sheriff shall, in all other respects, proceed to execute said writ in pursuance of the law now in force, in relation to writs of *ad quod damnum*.

Commissioners to report to court.

Summons to issue to owners of land.

Jury to assess damages.

1829.

Court may direct said road to be opened.

Sec. 5. *Be it further enacted*, That upon the return of said writ or writs to any of the several courts aforesaid, it shall be the duty of the said county court to receive the same, and if they deem it expedient, direct the opening of the said road, in pursuance of the second section of this act.

Court to levy damages in their county levy.

Sec. 6. *Be it further enacted*, That the said county courts, where any writ or writs aforesaid may be returned to them awarding or assessing to any individual or individuals any damages, it shall be the duty of said court to whom such return may be made, if they deem it expedient, at their next court of claims, to cause to be entered up an order in favor of the said individual or individuals, for the amount of the damages sustained by them respectively, as evidenced by the verdict of said jurors, and shall lay a levy sufficient to cover the amount of said claims; and it shall be the duty of the sheriff to pay over to such individuals, in whose favor the said order may be entered up, as other county claims, and on failure to do so, shall be liable to the same proceedings as by law may now be had against sheriffs.

County courts to fill vacancies.

Sec. 7. *Be it further enacted*, That if any of the commissioners herein named, shall fail or refuse to act, or comply with the provisions of this act, it shall be the duty of the county court of the county in which said commissioner may reside, to appoint some person as commissioner to fill his place, who, when appointed, shall, in every respect, perform the duties enjoined by this act, and receive the same compensation, and be subject to the same penalties as the commissioner herein named would have been subjected, had he acted in pursuance thereof.

Commissioners when to meet.

Sec. 8. *Be it further enacted*, That it shall be the duty of the said commissioners, on or before the first Monday in September next, or as soon thereafter as may be practicable, to meet at the mouth of Salt river, and from thence proceed to perform the duties enjoined by this act.

[Approved, January 29, 1829.]

CHAP. 131.—An AGT for the benefit of Barbara Tartar, and for other purposes.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the land office for the State of Kentucky, be directed to

issue a patent to Barbara Tartar for eighty two acres of land, upon her producing to him a copy of survey regularly assigned to her, made upon a county court certificate granted by the county of Pulaski, on part of certificate No. 343, granted to John Fitzgerald in the year 1802, for four hundred acres of land, without requiring the payment of any fees for the registration of the same, or any quietus from the Auditor for the payment of the money due thereon.

1829.

Register to issue a patent to Barbara Tartar.

Sec. 2. *Be it further enacted*, That the emanation of the patent to the said Barbara Tartar, is not to give her any claim or preference over any conflicting title, should there any exist, which it would not be entitled to, provided the land had been regularly paid for, under the laws now in existence, relative to head right claims.

No preference given hereby to her claim.

Whereas, an act passed at the present session of the Legislature, allowing an additional constable to Bardstown, through a mistake: For remedy whereof,

Sec. 3. *Be it further enacted*, That so much of an act which passed at the present session of the Legislature, which allowed Bardstown an additional constable, be, and the same is hereby repealed.

Constable to Bardstown repealed.

[Approved, January 29, 1829.]

CHAP. 132.—An ACT fixing the place of voting in certain precincts in Mercer and Owen counties.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the voters living in what is called the lower or Lucto precinct of Mercer county, shall vote in Salvisa in said county, and not at Lucto: *Provided*, that the voters in said precinct shall have the same privilege of voting at the courthouse as is by law now allowed.

Elections to be held at Salvisa instead of Lucto.

Sec. 2. *Be it further enacted*, That the next August election in said precinct, shall be held at the house now occupied by John Eccles, in Salvisa: *Provided* it meets the approbation of the judges of the election appointed for said precinct: *And provided further*, that if the said judges should think the house of John Eccles an improper place for holding the election, they may select some other place in said town of Salvisa.

Election, where to be held.

Sec. 3. *Be it further enacted*, That after the next August election, the judges of the election in said precinct shall have power to select the place of holding the election in said precinct.

1829.

Danville precinct.

*Sec. 4. Be it further enacted,* That the elections hereafter held in the Danville precinct, shall be held at such place as the sheriff and judges, or a majority of them, may designate.

New-Liberty.

*Sec. 5. Be it further enacted,* That hereafter the elections in the town of New-Liberty, in the county of Owen, shall be held at such house in said town as the sheriff and judges may designate.

[Approved, January 29, 1829.]

**CHAP. 133.—An ACT to authorize certain county courts to permit gates to be erected across certain roads.**

County courts of Nelson and Garrard to permit the erection of certain gates.

*Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts of Nelson and Garrard counties, a majority of all the justices of the peace being present, shall have power to authorize Samuel Bealmear and William G. Harris, to erect and keep up any gate or gates at their cost, across any road leading through their farms, except the public road leading from Bardstown to Elizabeth.

Gates to be removed if not kept in order.

*Sec. 2. Be it further enacted,* That whenever any gate erected under the provisions of this act, shall be considered a nuisance or public inconvenience, either by being improperly erected or not kept in repair, or for any other cause, the county court shall have power to abate such gate at the cost of the owner, upon one month's notice in writing having been first given or left at the owner's usual place of abode: *Provided, however,* that no such gate shall be abated, unless at a court where a majority of all the justices of the peace of said county shall be present: *And provided further,* that when a gate is ordered to be abated, reasonable time shall be allowed the owner to protect the farm by enclosing the part thereby exposed to the public highway.

*Sec. 3. Be it further enacted,* That any gate erected as above provided, shall be at all times kept in good repair, and easy to open and shut.

[Approved, January 29, 1829.]

**CHAP. 134.—An ACT making a further appropriation for rebuilding the Capitol.**

*Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of twenty

thousand dollars be, and the same is hereby appropriated out of any unappropriated money in the Treasury, to Peter Dudley, John Brown, James Shannon, and John Harvie, commissioners superintending the rebuilding of the Capitol; for the purpose of completing the same, to be drawn from time to time by said commissioners, as they may require it; and the Auditor of public accounts is hereby directed to issue his warrant or warrants to said commissioners, or a majority of them, from time to time, for such amount as said commissioners, or a majority of them, may, from time to time, require: *Provided*, that the aggregate of such warrants shall not exceed the amount hereby appropriated.

1829.

Appropriation  
to rebuild the  
Capitol.

Sec. 2. *Be it further enacted*, That a suitable room in the Capitol, to be selected by the commissioners, be appropriated to the sittings of the circuit and district courts of the United States for Kentucky, on condition that the same shall be furnished at the expense of the United States, by the proper officer of said court: *Provided, however*, that should any future General Assembly of this Commonwealth, think proper to withdraw such room from the use of said court, they may do so on remunerating the expenses for furnishing the room aforesaid.

Room to be  
granted to U.  
States District  
Court in the  
Capitol.

[Approved, January 29, 1829.]

CHAP. 135.—AN ACT to extend the limits of the Town of Versailles.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the trustees of the town of Versailles, in the county of Woodford, to cause the limits of the town to be extended, by calling upon the surveyor of Woodford county to make a survey, including the court-house of said county in the centre, the lines of which survey shall be made running to the cardinal points, and at right angles, so that the nearest part of any of said lines shall be one half mile from the court-house, and mete and bound said survey by proper marks; and return a plat thereof to the clerk of the county court of Woodford, whose duty it shall be to record the same, and keep it subject to the examination of any individual who may feel interested in the extension of the limits of said town.

The limits of  
Versailles ex-  
tended to half  
a mile from  
court-house.

1829.

Authority of trustees extended to that distance.

Sec. 2. *Be it further enacted*, That when the limits of said town shall be thus ascertained, the trustees of said town and their successors in office, shall have all the power of taxing the persons and property of individuals and compelling them to perform all the requisites of the by-laws and ordinances of the trustees of said town, that they now possess over the persons and property of individuals within the present limits of said town, except that they shall have no power to lay off any street or alley, or sell and convey any ground thus added to said town, without the consent of the owner of said ground; which consent shall be evidenced by an application, in writing, by said owner to the said trustees, and recorded by them in a book to be kept for that purpose.

Trustees to keep the streets of said town within said limits.

Sec. 3. *Be it further enacted*, That it shall be the duty of the trustees of said town, to keep in repair all the public roads included within the limits of said town, as extended by the provisions of this act; and they may be proceeded against, fined and punished as overseers of roads are now proceeded against, for failing to keep the same in repair; and the persons included within the extended limits of said town, shall be exempt from working on any public road out of the extended limits of said town; and the qualified voters included by the extension of the limits of said town, shall have a right to vote in all elections for trustees for said town.

[Approved, January 29, 1829.]

CHAP. 136.—An ACT to amend the charter of the Louisville Insurance Company.

The Louisville Insurance Company, allowed to insure property at sea

*BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Louisville Insurance Company be, and they are hereby invested, with power and authority to make insurance on all boats, vessels and crafts of every denomination and description whatever, and on the whole or any part of the cargo of any boat, vessel or craft navigating the high seas or elsewhere; and all claims for the loss or damage to any boat, vessel, or craft, or for the loss or damage to the cargo or any part thereof insured by said company, shall be made up and paid on the principles of Marine losses, so far as is consistent with the provisions of the charter of said company.

[Approved, January 29, 1829.]



CHAP. 137.—An ACT to incorporate the Kentucky and Ohio Bridge Company.

1829.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Caldwell, John McClure, Daniel Mayo, James Taylor, sen. Richard Southgate, John Bennet, Samuel Winston, John N. Taliaferro, John B. Lindsay, Wyatt Baxter, John Leathers, Alexander Connely, Samuel Kennedy, Jefferson Phelps, James G. Arnold, Thomas D. Carneal, Alfred Sanford, Benjamin Stephens, Samuel Drake, John B. Casey, Robert Buckhannon, Morgan Neville, Lewis Whiteman, William M'Candless, John Stinson, G. V. H. Dewitt, Joseph Jonas, Oliver Martin, Charles W. Gazzam, S. V. Goodman, George Neff, Edward Colston, with their associates, be and they are hereby created a body politic and corporate, by the name of the Ohio and Kentucky Bridge Company, for the purpose of erecting and constructing a permanent bridge across the river Ohio, from the towns of New-Port and Covington, or either of them, in this State, to the city of Cincinnati, in the State of Ohio; and they and their associates and successors, shall continue and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded in this Commonwealth and elsewhere, in all courts of law or equity; and to make, have and use a common seal, and the same to break, alter or amend at pleasure; they shall also have the power to purchase and hold as much real estate as will be necessary for the site of said bridge or the sites for the piers, abutments, toll houses, and suitable avenues leading to the same; also to borrow money not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also the power to ordain and establish such by-laws, ordinances and regulations as shall be necessary for the well being and government of said corporation, not contrary to the laws of this Commonwealth, the State of Ohio, or those of the United States.

Names of members of the corporation.

To erect a bridge across the Ohio river, from Covington to Cincinnati.

Corporate powers.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of three hundred thousand dollars, divided into six thousand shares of fifty dollars each, to be subscribed for or sold in the manner hereinafter mentioned.

1829.

Opening of  
subscription to  
be advertised,  
and how kept  
open.

*Sec. 3. Be it further enacted,* That within sixty days after the passage of this act, and the confirmation of the same by the State of Ohio, the persons before named, or a majority of them, shall cause a public advertisement to be made of the time and places of opening books of subscription of the stock of said company, which books shall be kept open under the direction of said persons, or a majority of them, not less than ten days nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares than six thousand shall have been taken, then and in that case, the persons before named or a majority of them, shall proceed to reduce the number of shares in an equitable and just proportion among the subscribers, taking off from the highest subscribers, not reducing any one below twenty shares; and they shall have the right to demand and receive from every person subscribing for the stock of this company a sum not exceeding ten, nor less than one dollar on each share subscribed, at the time of making the subscription, and no subscription shall be deemed valid unless such payment is made, if required by the conditions of subscription.

Meeting of  
stockholders,  
when to be  
called to elect  
officers.

*Sec. 4. Be it further enacted,* That when five hundred shares shall have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the shareholders of said company at Covington or New-Port, giving at least fifteen days previous notice of the time and place of such meeting, and the shareholders shall thereupon proceed to the election of a president and six directors, who shall be shareholders, and such of the before named persons who shall not then be shareholders, shall cease to be members of said corporation, and the said shareholders shall also proceed to fix what compensation the said president and directors shall be entitled to receive, if any be allowed; also to ordain and adopt any such by-laws for the permanent organization of said corporation, as they may deem needful; at which meeting each shareholder shall be entitled to one vote for each share to the number of ten, and one vote for every five shares over ten and not exceeding fifty, and one vote for every ten shares over one hundred; and at all subsequent elections or general meetings of the stockholders, no shares shall be voted on that have not stood in the name of the person claiming to vote at least three months previous to the day of election or meeting, and that the shares in said company may be voted on by proxies

Number of  
votes, to each  
member.

duly recorded, conforming to the foregoing regulations. 1829.

Sec. 5. *Be it further enacted*, That the president and directors first chosen, shall hold their offices until the first Thursday of January ensuing such election, and until others shall be chosen in their places; and on the first Thursday of January in each year, the stockholders in said company shall meet at their office in Covington, New-Port, or the city of Cincinnati, or at some place to be designated by the president and directors, and then proceed to the election of a president and six directors, who shall be shareholders and residents of the States of Kentucky or Ohio, and who shall hold their offices for one year or until their successors shall be elected. Public notice of such meetings and elections shall be given by the clerk or secretary of the company in some public newspaper printed in the city of Cincinnati at least fifteen days previous thereto. At the annual meetings a statement of the affairs of the company shall be made out by the president and directors and presented to said meeting, and such dividends of the profits declared as may be deemed advisable.

Elections to be held on the 1st Thursday in January, in New-Port.

Sec. 6. *Be it further enacted*, That the concerns of said corporation shall be under the control, superintendence and management of the said president and directors; and the president and three directors shall constitute a quorum to transact business, or in the absence of the president any four of the directors, one of whom shall act as president *pro tem*. The president and directors, after they shall have been duly elected as aforesaid, may make such assessments in the shares of said company as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper. They are to open or renew the subscriptions for the shares not already subscribed, or sell them and any forfeited shares, as they may think best for the company.

Duties of directors.

Sec. 7. *Be it further enacted*, That it shall be the duty of the president and directors to appoint a clerk or secretary, and cause a record of their proceedings to be kept; they may also appoint a treasurer and such other officers or agents, as they may think needful for promoting said undertaking, and to allow them such pay or compensation as they may agree on; to make contracts and do all things necessary for carrying the same into immediate effect, and to require and take such bonds

Clerk & Treasurer to be appointed.

1829.

To give security.

or other surety, in their corporate capacity, from any person or persons they may so appoint or contract with; and in the event of the death, resignation or vacancy, from any other cause, of the president or any director, the survivors or a majority of them, shall supply the vacancy until the next annual election, by the election of another shareholder.

Directors may receive conveyance of lands, &c.

Sec. 8. *Be it further enacted*, That the said president and directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or sites for the abutments or piers of said bridge; and if they shall deem it advisable and advantageous to the company, one acre of land at each end of the bridge over and above what is authorised to be purchased by the first section of this act.

Bridge not to obstruct passage of vessels, &c.

Sec. 9. *Be it further enacted*, That the said permanent bridge shall be erected so as to permit the passage of ships, schooners, sloops and steam vessels, of the largest size and height, at the highest stage of water in the river, and shall have over the channel of the river, a span or arch not less than two hundred feet wide, and the other spans or arches, not less than one hundred and fifty feet each; and when so erected and completed, the president and directors shall have the right to fix

Toll to be fixed

rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon, with their goods, carriages or animals, of every kind or description: *Provided, however*, that the said company shall lay before the Legislature of this State, a correct statement of the cost of said bridge, and an annual statement of the tolls received for passing the same, and also the cost of keeping the same in repair, and of the other expences of the company; and the said president and directors shall, from time to time, reduce the rates of toll, so that the nett profits shall not exceed eighteen per centum per annum, after the proper deductions are made for repairs and other charges. Toll gates may be kept and toll received at each end of the bridge, and the rates of toll posted up in some conspicuous place where the toll is demanded.

Profits not to exceed 18 per cent.

Penalty for injuring the bridge.

Sec. 10. *Be it further enacted*, That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said bridge or any thing thereto belonging shall be injured or damaged, the said person or persons, so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suits, recoverable before any court of competent or legal jurisdiction; and any person or persons

who shall pass or attempt to pass said bridge without paying the toll or tendering it, if there be any person present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this Commonwealth; and further, if any person or persons shall wilfully set fire to said bridge or burn the same, or any part thereof, such person or persons, so offending, with his or their aiders or abettors, shall be guilty of arson.

Sec. 11. *Be it further enacted*, That certificates of stock in said company, shall be issued under the seal of the company, in the form and manner that shall be designated by the laws of the company, which shall designate the mode of transfer.

Certificates of stock to be issued.

Sec. 12. *Be it further enacted*, That one thousand shares of the stock in said company, may be taken and shall be reserved for the State of Kentucky, and one thousand shares may be taken and shall be reserved for the State of Ohio; five hundred shares may be taken and shall be reserved for the city of Cincinnati; two hundred and fifty shares may be taken and shall be reserved for the town of Covington; and two hundred and fifty shares may be taken and shall be reserved for the town of New-Port: *Provided, however*, that the said States, the city of Cincinnati, the town of Covington or New-Port, or either of them, authorize any person or persons to make the subscription for the said stock, or any part thereof, within fifteen months from the passage of this act; and in case either of the said States, or the city of Cincinnati, or the town of Covington or New-Port, becomes a shareholder in said company, the shares held by them respectively, may be voted on at elections or other meetings, by the authorized agent or agents designated by all or either of said States or city, in the same manner as the shares held by individuals, as designated in this act; and in case the towns of New-Port and Covington, or either of them, should take the said two hundred and fifty shares respectively reserved for them, or any less number of shares in said company, each of them is authorized to raise the necessary amount of money by a loan on the credit of the town, and a pledge of the stock so subscribed and taken by them.

Shares to be reserved for the State, &c.

Should such shares be taken, State, &c. to have right to vote, &c.

Sec. 13. *Be it further enacted*, That this act of incorporation shall go into effect so soon after the passage thereof, as it shall receive the ratification of the Legislature of the State of Ohio, and shall cease to have ef-

State of Ohio must agree to this charter or it to be null.

1829.

**Limitation.**

Company to  
be liable for  
runaway  
slaves, passing  
said bridge.

Liable for in-  
juries to boats,  
&c.

If bridge in-  
jures the navi-  
gation of river,  
may be abated

Process, how  
served on com-  
pany.

Materials of  
bridge liable  
for expense of  
abatement.

fect, if the stock shall not be taken to the extent of one thousand shares within five years, and the bridge be completed so far as to be passable within ten years.

Sec. 14. *Be it further enacted*, That said company shall be liable to the owner for the value of all slaves who shall escape from servitude by passing said bridge from Kentucky to Ohio, without the written permit of the owner or agent.

Sec. 15. *Be it further enacted*, That said company shall be held liable and responsible, by an appropriate action, for all injuries sustained by vessels or boats, rafts of plank, timber or other lumber passing up or down Licking or Ohio rivers, in consequence of the construction of said bridge, unless the injuries are sustained by negligence, or a want of competent skill of those on board said vessel or boats.

Sec. 16. *Be it further enacted*, That should said bridge in its progress, or after its completion, prove injurious to the navigation of the Licking or Ohio river, the Commonwealth shall have a right, by legislative act, to have the same presented, and may prescribe by law, the mode in which proceedings for that purpose may be had, and before what tribunals, and to add such conditions to the charter of the company, as may to the Legislature appear necessary further to secure the navigation of said rivers from injury, from the further erection or continuance of the bridge; and if found to be such, and injurious to navigation, to have the same abated at the costs of the company: *Provided, also*, that one proceeding had for the purpose of having said bridge presented, shall be no bar to a second inquiry, or any subsequent inquiry.

Sec. 17. *Be it further enacted*, That it shall be sufficient service of process on the corporation hereby created, to execute a summons on the president or a majority of the directors of said company, residing in that State in which suit is commenced, and process so executed, shall authorize judgment by default against the corporation at the first term as in other cases, in the event no appearance shall be entered or plea filed.

Sec. 18. *Be it further enacted*, That whenever it shall be deemed necessary, in conformity with the provisions of this act, to abate the bridge aforesaid, or any part thereof, all the materials of said bridge, whether actually put together in the bridge or collected in the vicinity, shall be held liable for the expense of such abatement, and are to be so considered and treated by the person or persons who may be appointed to abate

the works; and if such materials shall not be sufficient to pay the expense of the abatement, then so much of the stock subscribed in said company, as shall not, at the time of instituting the proceedings for abating the bridge, have been paid over to the proper officers of the company, and also so much of the stock as may then have been paid over, but shall then be in the hands of the company unpledged for the payment of work then actually done, or of materials thus actually delivered, and all other funds of said company, shall be liable for said expense; and it shall be the duty of the court in which proceedings for abating the bridge may be had, to enter such order, judgment or decree, as may be necessary to give full effect to the provisions of this section.

1829.

All funds of  
company lia-  
ble.

Sec. 19. *Be it further enacted*, That in case of any damage to boats or other vessels, rafts of plank, timber or other lumber, ascending or descending the Licking or Ohio rivers, happening by reason of the striking of such boat or other vessel against the bridge or any arch, pier or abutment thereof; all persons who are at the time of such damage, stockholders in said company, shall be liable in their individual capacity to compensate such damage: *Provided*, that the said company may, at their own expense, employ and furnish pilots for directing boats or other vessels through the bridge; and if any person navigating a boat or other vessel, rafts of plank, timber or other lumber, shall refuse the aid of a pilot to be furnished by the company, then such boat or vessel, rafts of plank, timber or other lumber, shall be considered as passing the bridge at the risk of the owners or navigators thereof, and the stockholders shall, in no such case, be liable as aforesaid for any damage which may happen; but should any unusual delay occur to any boat or vessel, rafts of plank, timber or other lumber, ascending or descending, in consequence of the company having no pilot ready to direct it, upon its arrival at the usual place of receiving pilots, then the treasurer of the company shall forthwith pay to the owner or principal agent navigating such boat or vessel, rafts of plank, timber or other lumber, the additional expense incurred by reason of such delay, which may be recovered from the treasurer by warrant before a justice of the peace of the county of Campbell: *Provided, however*, that nothing in this section contained, shall be so construed as to prevent any person who may be injured by reason of the erection of the bridge, from maintaining any action against the

Shareholders  
liable in their  
individual pro-  
perty.

1829.

corporation hereby created, which he might maintain if this section had not been adopted, and with the same effect: *Provided*, the fines, pains and penalties imposed by this act, shall be subject to the power of the Legislature of this State, to alter, change or modify at pleasure.

Sec. 20. *Be it further enacted*, That it shall be the constant duty of the said bridge company, from time to time, to remove all timber or drift of any description which may lodge against any of the piers of said bridge, and if they fail herein, they shall be liable to a fine of ten dollars for every twenty-four hours it is suffered to remain, after allowing a reasonable time to remove the same, to be recoverable by indictment or presentment in the Campbell circuit court, and shall moreover be liable to any person sustaining any injury.

Sec. 21. *Be it further enacted*, That the consent of the Congress of the United States, to the provisions of this act, shall be obtained before the said corporation shall commence the erection of the bridge herein contemplated.

Sec. 22. *Be it further enacted*, That in case the bridge herein permitted to be built, shall not have been begun within four years after the passage of this act, and completed within eight years, then all the privileges herein granted shall cease and determine.

[Approved, January 29, 1829]

CHAP. 138.—An ACT providing for the settlement of the accounts of the Penitentiary.

Commissioners to settle the accounts of Joel Scott keeper of the Penitentiary.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Wingate and Thomas S. Page be, and they are hereby appointed commissioners for and on behalf of the Commonwealth of Kentucky, whose duty it shall be, after making oath before some justice of the peace in this Commonwealth, that they will well and truly perform the duties required by this act, to examine and settle the accounts between Joel Scott, the keeper of the penitentiary, and the said Commonwealth, from the time the said Scott assumed the management of the Penitentiary, up to the time of their examination and settlement. And it shall be the duty of the said commissioners to make out an account current between the said Scott and the Commonwealth of Kentucky, and to report to the Legislature at their next session the said account; and the

They are to make out an account current and report to next Legislature.



said commissioners for their trouble in performing the duties by this act required, shall be paid by the said Scott, out of the profits of the State in said Penitentiary, the sum of two dollars each for every day they may be employed in the performance of said business.

1829.

Their compensation.

Sec. 2. *Be it further enacted*, That it shall be lawful for the Auditor of public accounts to receive the receipt of the commissioners superintending the rebuilding of the capitol, for work or materials furnished said commissioners by said Scott, as so much in discharge of principal or interest of any amount due by said Scott either upon his bond or otherwise to the Commonwealth: *Provided*, the amount does not exceed the amount appropriated by law for that purpose.

Auditor to receive the receipts of commissioners of the Capitol from Joel Scott on account of dues from him.

[Approved, January 29, 1829.]

CHAP. 139.—An ACT for the benefit of the stockholders of the Bank of Owingsville, and the Farmers and Mechanics' Bank of Lexington.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the stockholders of the bank of Owingsville, or such of them as may convene for that purpose, may, at the house of George Lansdown in Owingsville, on the second Monday of April next, appoint some suitable person to be styled "the agent of the bank of Owingsville;" and the person so appointed, shall have full power and authority, in his own name, with the addition of the style aforesaid, to sue for and recover any debts, dues, demands or claims owing to or held by the said bank; and for any claims, debts, dues or demands against the said bank, the said agent, under the style aforesaid, shall be subject to suit or action, in which, if there be a recovery, it shall be levied of the estate of the said bank only. To enable the said stockholders to make distribution, the said agent shall be vested with full power and authority to do so. The said agent shall have power and authority to compromise and adjust, without suit, all the rights or interests appertaining to said bank; he may settle differences by arbitration, either in cases with debtors, creditors or stockholders; and the decision of arbitrators, mutually chosen, when had in writing, shall be binding. All suits or judicial proceedings now existing under the corporate style of said bank, may progress as though this act had not passed; suits hereafter instituted, to be in the name of the agent, as aforesaid. Upon a va-

Stockholders of Owingsville Bank, may appoint an agent

Who may sue and be sued as such.

His powers and duties.

1829.

How to fill vacancies.

Agent to give bond and security.

Proviso.

Farmers and Mechanics' bank of Lexington, allowed further time to wind up.

cancy arising by the death, resignation or removal out of this State of the agent so appointed, the stockholders may appoint another, after giving twenty days' notice thereof, in a newspaper printed in Mount Sterling, of a meeting for such purpose. A majority of those present at such time, will have power to make a choice. Before an agent shall act, his appointment, under the hands of the stockholders appointing him, shall be recorded in the county court clerk's office of Bath county. The agent, before he enters on the duties of his office, shall execute bond with good security, in such penalty as the stockholders at their meeting aforesaid shall direct, payable to the said stockholders of the bank of Owingsville; which bond shall be recorded in the office of the Bath circuit court, conditioned to pay, first, all the notes of said bank, if any there be in circulation, and next to distribute all sums of money by him collected in the capacity of agent: *Provided, however,* that nothing in this act shall affect any suit which is now pending against said corporation, or any agent thereof.

Sec. 2. *Be it further enacted,* That the further time of three years, from the passage of this act, be allowed to the president, directors and company of the Farmers and Mechanics' bank of Lexington, to wind up and close the concerns of said bank, during which period, they shall have, exercise and possess all the powers, which they now do possess.

[Approved, January 29, 1829.]

CHAP. 140.—An ACT more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers.

Judgments against sheriffs, &c. by certain rules.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever a sheriff, deputy sheriff, or constable, and their respective securities, shall be proceeded against by way of motion, agreeably to the laws now in force, for any default of such sheriff, deputy or constable, and the notice upon which said motion is founded cannot be served upon any one or more of the parties proceeded against, by reason of his or their removal from the county, the court shall have the power to enter an abatement, as in ordinary suits, as to such of the parties to the notice who shall be returned, no inhabitant, or not found, and shall thereupon enter judgment against those who shall have been served with process.

Sec. 2. That wherever a previous demand is required to be made of a sheriff, deputy sheriff, or constable, of money collected by them, before they and their securities can be moved against therefor, and the said sheriff, deputy or constable, shall have removed from the county before such demand has been made, a previous demand of the money thus collected, shall not be necessary to enable the plaintiff in the motion to recover, unless such sheriff, deputy or constable shall have appointed an agent to close his official concerns, and shall have filed with the clerk of the circuit court of the county, a written notification of such appointment, (which shall be safely preserved by such clerk,) in which case the demand shall be made of such agent, and shall have the same effect as if made of the principal.

1829.

Previous demand when necessary, how satisfied.

Sec. 3. Whenever, upon affidavit filed in the court in which any judgment shall be obtained, it shall appear that any attorney has, in his official capacity, collected the whole or any part of such judgment, and has failed or refused to pay over the same upon demand, to the party or parties entitled thereto, it shall be the duty of said court to enter a rule against such attorney, to show cause why he shall not be suspended from the practice of the law in the several courts in this Commonwealth; and upon the return of said rule, if it shall appear to the satisfaction of the court, that such attorney has failed to pay over any money collected by him, in his official capacity, for the party complaining, and shall then and there refuse to pay promptly the amount adjudged to be due, it shall be the duty of the court to enter an order suspending said attorney from the privilege of practising law in any of the courts of this Commonwealth for the space of twelve months, and until the amount adjudged to be due shall have been paid; and if any attorney at law shall presume to practise law in any of the courts of this Commonwealth during the time his privilege has been suspended, he shall wholly forfeit the privilege of practising law in the courts of this Commonwealth forever: *Provided*, that nothing in this act shall be so construed, as to prevent an attorney at law from retaining what may be justly due him, for fees and services rendered in his official capacity for the party complaining: *Provided, further*, that the demand shall be made of the attorney by the plaintiff, or his properly authorised agent, at the office or place of residence of such attorney; and this section of this act shall not apply to any case arising before this act takes effect: *And provided, further*, that the proceedings

When an attorney fails to pay money, rule to be served on him.

May be suspended on continued failure.

Forfeiture.

*Provided.*

When & where notice is to be given.

1829.

May appeal.

against attorneys, under this act, shall be had within two years next after the collection of the money complained of, and not afterwards: *And provided, also*, that if an attorney against whom an order of suspension shall be made, shall appeal or obtain a supersedeas, his right to practise law shall not be restrained pending the writ of error or appeal.

Court to give judgment.

Sec. 4. If it shall appear to the satisfaction of the court, that nothing was due to the party complaining when the rule was entered, there shall be a judgment for costs in his favor against the party complaining; but if there was a balance then due by such attorney, he shall be adjudged to pay costs. If a rule shall be made against an attorney who is not present, the court shall cause a copy thereof to be served upon the defendant a reasonable time before the return day of the rule, to be ascertained and determined by the court granting the rule.

Penalty on a constable for failure.

Sec. 5. If a constable shall fail to pay over any money collected by him as constable, when legally demanded by the person entitled thereto, or his legally authorized agent, it shall be deemed a malfeasance in office, for which he shall be removed from office in the mode now prescribed by law.

May be dismissed from office.

County and circuit court attorneys to make motions.

Sec. 6. *Be it further enacted*, That it shall be the duty of the county and circuit court attorneys of this Commonwealth, in the court to which they belong, upon application, to move said court against any lawyer or constable respectively, according to the provisions of this act; and where a county or Commonwealth's attorney shall be in default, it shall be the duty of the judge of the circuit court to appoint some member of the bar to make such motion.

[Approved, January 29, 1829.]

CHAP. 141.—An ACT for the benefit of the Devises of Hugh Mercer Tennent, and others.

WHEREAS it is represented to this General Assembly, that Doctor John Tennent, devised to his two sons, George Washington and Hugh Mercer Tennent, two tracts of land, now being in the county of Daviess, containing, after the locator's part was taken out, four thousand acres on Green river, and twelve hundred and eighty-one and a half acres near the Ohio river; and the aforesaid Hugh Mercer Tennent died in Jefferson county, Kentucky, and by his last will and testa-

ment devised his moiety of the land aforesaid to his three sisters, viz: Lucy, Sally and Mary, now Mary M'Combs; which said lands have been forfeited to the State, for non-payment of taxes, as non-residents' lands: Therefore,

1829.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said George Washington Tennent, or his heirs or representatives, and the said Sally, Lucy and Mary, or their heirs or representatives, to pay the amount due upon said lands, for taxes, interest and costs, into the public Treasury, whereupon it shall be the duty of the Auditor, or other accounting officer, to grant and furnish to said parties, a receipt therefor; upon which being done, any forfeiture which may have accrued to this Commonwealth, by reason of such non-payment, is hereby relinquished, on the part of the State, to the said parties: *Provided, however,* that nothing in this act shall be so construed, as to impair or interfere with any interfering or conflicting title of any individual to the above land, or to operate to the prejudice of any settler on either of the said tracts of land, in adverse possession to the said parties, so as to deprive such settler of the benefit of the laws of limitation or forfeiture.

Heirs of Tennent to be allowed to redeem the land of their ancestor.

Proviso.

[Approved, January 29, 1829.]

CHAP. 142.—An ACT to amend an act providing for the appointment of an Engineer to survey the Kentucky, Licking and Green rivers.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the temporary board of internal improvements, appointed by an act of the last session of the General Assembly, approved 11th February, 1828, James Allen of the county of Green, Joseph R. Underwood of the county of Warren, and William P. Roper of the county of Fleming, be, and they are hereby constituted and appointed members of said board; and it shall be the duty of said temporary board, to cause the surveys of said rivers as required by said act, to be made, which have not been made, and to cause Big Barren river to be surveyed from its mouth to Martinsville, in Warren county, so as to enable the said engineers to report to the next Legislature according to the provisions of the act to which this is an amendment, and report also the probable expense, as well as the cheapest and most

Addition to the board of Internal Improvements.

To examine Big Barren river.

1829.

practicable mode of removing the falls of said rivers, and all obstructions to the navigation of the same, at an ordinary stage of water.

Majority to  
act.

Proviso.

Sec. 2. A majority of said temporary board of internal improvements, shall be authorised to meet and act, in carrying into effect the provisions of this act, and the act to which this is an amendment: *Provided*, that nothing in this act contained, shall alter, change, or in any wise affect the powers and duties of the temporary board of internal improvements, appointed by the act approved 11th February, 1828, as relate to the Kentucky and Licking rivers, required by said act: *And provided also*, that nothing herein contained, shall interfere with any contracts or engagements heretofore made by said temporary board for the surveys of said rivers.

[Approved, January 29, 1829.]

CHAP. 143.—An ACT authorising the county court of Bourbon to allow William M. Ferguson to erect gates across Chinn's Mill Road.

WHEREAS sundry citizens of Bourbon county have petitioned that leave be granted William M. Ferguson, to erect gates on an established road called "Chinn's mill road," passing over said Ferguson's land: Therefore,

County court  
may authorize  
the erection of  
gates.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Bourbon, a majority of the justices of said county concurring, be authorised to empower the said Ferguson to erect gates across said road, passing over his land, of such width and description as they may prescribe; and to discontinue the same whenever they may deem it necessary.

Ferguson to  
keep them in  
repair.

Sec. 2. *Be it further enacted*, That said Ferguson shall be bound to keep in repair any gate which he may erect by this act, so that the same may be opened with ease by any person passing said road; and on his failure to do so, for the space of more than two days at any one time, the county court of Bourbon may, on application, (of which he shall have reasonable notice,) make an order for the removal of such gate; and said Ferguson shall also, in such case, be liable to be proceeded against as for obstructing a highway.

On failure the  
gates to be re-  
moved.

Sec. 3. *Be it further enacted*, That any person who shall purposely leave said gates or either of them open,

and shall fix any obstacle to prevent their closing, shall be liable to pay to said Ferguson any sum not less than one, nor more than ten dollars, for each offence, to be recovered by warrant before a justice of the peace for said county.

1828.

Penalty for leaving gates open.

[Approved, January 29, 1829.]

CHAP. 144.—An ACT for the relief of the county of Wayne and the Trustees of Monticello.

WHEREAS it appears to the present General Assembly of Kentucky, that to sell or dispose of certain ground in the town of Monticello, in Wayne county, would conduce to the interest of said town and the county of Wayne:

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the public ground in said town may be sold by the trustees thereof, a majority of them concurring, and the proceeds go for the benefit of the county levy, so soon as a majority of the justices of said county may, by order in their county court, concur that a sale of said ground may be advisable; and the acting trustees of said town, are hereby authorised to make a deed or deeds to any purchaser or purchasers, conveying such right as now belongs to the county court, or trustees of said town of Monticello.

Trustees of Monticello may dispose of part of the public ground therein.

[Approved, January 29, 1829.]

CHAP. 145.—An ACT to provide for viewing and marking a State road from the Iron Banks on the Mississippi, to the Tennessee river, in a direction to Hopkinsville.

WHEREAS it appears that it would greatly conduce to the interest of the public to cause a State road to be opened from the Iron Banks on the Mississippi river to the Tennessee river, in a direction to Hopkinsville: Wherefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Tally C. Gholson of the county of Hickman, Mathias Travis of the county of Graves, and Elisha Hardy of the county of Calloway, be, and they are hereby appointed commissioners, whose duty it shall be, or any two of them, to view and mark out the best and most practicable way for a road from the Iron Banks, by the way of Mayfield and Waids.

Commissioners appointed.

1829.

**Their duty.**

borough, to the Tennessee river, in a direction to Hopkinsville, and make report of their proceedings to the next General Assembly, describing the ground and water courses over which said road will pass.

**Pay to commissioners.**

Sec. 2. *Be it further enacted*, That said commissioners shall receive for their services one dollar and fifty cents per day each, while they may be necessarily employed in performing the duties assigned them by this act, which shall be paid out of the several county levies through which said road passes, and said commissioners shall make out their account separately of the number of days they have been employed in each county, which they shall swear to before some justice of the peace; and on the account being so presented to each county court, at their next court of claims, the several county courts shall levy the same on their respective counties for their benefit.

**Duty of the county court of Calloway.**

Sec. 3. *Be it further enacted*, That it shall be the duty of said commissioners to report to the county court of Calloway their proceedings so far as relates to Calloway county, whereupon the county court of Calloway, a majority of all the justices being present, at the next term of said court, or as soon thereafter as convenient, may (if to them it seems proper,) proceed to lay off and open said road as it has been marked and viewed by said commissioners, so far as it passes through Calloway county, in such way and under the same rules and regulations which now govern the opening new roads in this Commonwealth by the laws in force on that subject; and said road, when established and opened as aforesaid, it shall not be lawful for the county court of Calloway to alter or change the same, but said court shall, at all times, appoint overseers and a sufficient number of hands to keep said road in repair.

[Approved, January 29, 1829.]

CHAP. 146.—An ACT for the benefit of John H. Tyler and Thomas Griffy.

**Preamble**

WHEREAS Hugh H. Sparkman was convicted in this State for felony, and sentenced to confinement in the jail and penitentiary of this State, and after his conviction and before he could be conveyed to the place of confinement, he made his escape to the State of Mississippi. The Governor of this State demanded the said fugitive from the Governor of the State of Mississippi, and appointed John H. Tyler to make the de-



mand, and receive the said fugitive, and carry him to the penitentiary house; and whereas the said Tyler performed the services required of him, and in so doing he had to disburse several sums of money out of his own funds, and also, he had to obtain the services of Thomas Griffy; and as a compensation of their services, and also to reimburse them for expenses:

1829.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Auditor of public accounts issue his warrant on the Treasurer for the sum of two hundred dollars in favor of John H. Tyler and Thomas Griffy; which warrant, when issued, the Treasurer is hereby directed to pay off out of any Commonwealth's bank paper in the public Treasury not otherwise appropriated.

Auditor to issue a warrant on the treasurer in favor of Tyler & Griffy.

[Approved, January 29, 1829.]

CHAP. 147.—An ACT better to regulate the Penitentiary.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the clerk of the Senate shall immediately after the passage of this act, deposit with the Auditor of public accounts for safe keeping, the drawing of the plan of thirty-four new cells proposed by Joel Scott to be built, and which has by him been submitted to the Senate during the present session. The said Joel Scott shall proceed to erect the said cells after the plan of the said drawing, and also to partition the old cells, so far as they will admit of being divided thereby, preparing the whole for the solitary confinement of convicts in said institution.

Plan of cells to be deposited with the Auditor and keeper of the Penitentiary to build cells, &c.

Sec. 2. *Be it further enacted,* That the said Joel Scott shall also proceed to raise the outer wall of the penitentiary six feet higher, cover the same with flat rock, and on the top to furnish and pile up as high as possible, small rock laid loosely, so that no one can derive any aid in an attempt to escape by seizing hold of such small rock.

Keeper to raise outer wall of the Penitentiary higher.

Sec. 3. *Be it further enacted,* That the said Joel Scott shall, during the progress of the work, make out and preserve a correct account of all expenditures in said business, charging no more therefor than would be the costs of like work to a private individual similarly situated, making a prudent disbursement of his money; and the said Joel Scott shall make out and present to each branch of the Legislature, a correct

Costs of the work to be reported to next Legislature.

1829.

Proviso.

account of the cost of the materials, labor and other contingent expenses of said work, and shall make oath to the justness and fairness of such accounts: *Provided, however*, that the new cells shall in no event cost to the State more than seventy dollars each, including every expense, nor shall the raising of the outer wall as herein provided for, cost the State, including every thing, more than two thousand dollars: *And provided further*, that the said Joel Scott shall not draw upon the Treasury for any of the charges for said improvements, but shall look to the proceeds of the penitentiary for reimbursement.

Convicts to be  
confined in  
cells.

Sec. 4. *Be it further enacted*, That when the said improvements shall have been completed, it shall be the duty of the keeper of the penitentiary for all time thereafter, to cause the convicts to be locked up separately in the cells of the penitentiary during each night, and as far as practicable prevent all conversation between them during the day, and procure, if possible, one sermon to be preached by a regular minister of some religious denomination on each Sabbath, and cause the convicts who are unlearned in reading, writing and arithmetic, to be taught in one or other of those branches at least four hours on each Sabbath day; and the keeper shall cause the convicts to be locked up in separate cells, during all the balance of the Sabbath day, not occupied in hearing preaching, learning or eating their regular meals: *Provided*, that the whole costs of such preaching and teaching, including guarding and all expenses, shall not exceed in the whole two hundred and fifty dollars per annum.

And have religious and other  
instruction.

Proviso.

How walls of  
the cells are to  
be made.

Sec. 5. *Be it further enacted*, That the outer walls of the cells shall be two and a half feet thick, and strong, and built of large substantial rock, and the partition walls shall be of brick, at least two feet thick, well laid in lime mortar, so as to make the same as strong and as close as the materials, with the exercise of competent skill, can be made.

[Approved, January 29, 1829.]

CHAP. 148.—An ACT to amend an act entitled, "an act establishing a Female Academy in the town of Harrodsburg."

Former law re-  
pealed.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the third section of an act entitled, "an act establishing a female academy in the town of Harrodsburg," approved February 9th, 1823, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That twelve trustees shall be the number belonging to said institution; and said board of trustees shall possess power to fill vacancies which may occur from time to time, in said board. 1829.  
Number of trustees.  
[Approved, January 29, 1829.]

CHAP. 149.—An ACT to change the time of holding certain courts.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Mason circuit court shall hereafter hold its terms on the second Mondays in May, August, and November, and continue for the time now prescribed by law. Mason circuit court.

Sec. 2. All recognizances and process of every kind, which may be returnable to the April term of the Mason circuit court, shall be, and the same is hereby made returnable to the May term, as established by this act.

Sec. 3. *Be it further enacted*, That the judge of the ninth judicial district, shall hold an extra term for the county of Anderson, for the trial of criminal cases and chancery causes, and such common law causes as are ready, commencing on the first Monday in March eighteen hundred and twenty-nine; and shall continue in session six juridical days, if the business of the court shall require it; but the said judge shall not be required to hold any other term of said court. Anderson.

Sec. 4. *Be it further enacted*, That the circuit courts for said county of Anderson, shall hereafter commence on the first Monday in the month of May, on the second Monday in the month of August, and on the first Monday in the month of November, in each year, and shall sit six juridical days at each term, if the business of the court shall require it; and all recognizances of every kind which may be returnable to the May term of said court, as heretofore directed, shall be, and is hereby made returnable to the term hereby directed to be holden on the first Monday in May. Anderson.

Sec. 5. *Be it further enacted*, That from and after the first Monday in March next the county courts of Warren county shall be held on the fourth Mondays in every month, except those on which the circuit courts for said county are held. Warren county court.

Sec. 6. *Be it further enacted*, That the chancery term of the Logan circuit court shall commence on the Wednesday after the second Monday in February, instead of the first Monday. Logan circuit court.

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Franklin.

Laurel.

*Sec. 7. Be it further enacted, That the October term of the Franklin circuit court, shall only sit twelve juridical days.*

*Sec. 8. Be it further enacted, That the circuit courts of Laurel county shall in future be held on the Wednesdays succeeding the second Mondays in March, June and September, and sit four juridical days, should the business require it.*

*Sec. 9. Be it further enacted, That all process and recognizances returnable to the fourth Thursday in April next, shall be returnable to the Wednesday succeeding the second Monday in March next, and have all the effect and validity that would be, provided that the term commencing on the Wednesday succeeding the second Monday in March next had not been adopted.*

[Approved, January 29, 1829.]

CHAP. 150.—An ACT for the benefit of Keziah Foree and others.

Preamble.

WHEREAS it is represented to the present General Assembly, that Kesiah Foree, William G. Foree, John B. Foree and Hezekiah F. Foree, minors and children of Hezekiah L. Foree of Shelby county, Kentucky, are the owners of one hundred acres of land in the aforesaid county of Shelby, which is entirely destitute of timber, and almost destitute of fire wood, and if divided among them, would be only twenty-five acres to each, which, without timber or firewood, would be of little value to them; and whereas the said Hezekiah L. Foree, owns about thirty-one and a half acres of well timbered land adjoining that of his children, which he intends selling, and by selling that belonging to his children with it, he can obtain three dollars per acre more for their land, than can be obtained under other circumstances: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said infant children, by their next friend, to exhibit their bill before the Shelby circuit court, setting forth and charging the foregoing facts, and also such other facts as they may deem proper, and thereupon said court shall have full power and authority to hear and determine said case agreeably to the principles of equity and chancery practice; and if the court shall be satisfied that the interests of the aforesaid in-*

Shelby circuit court empowered to decree the sale and conveyance of a tract of land.

## KENTUCKY.

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infants will be best advanced by a sale of said land before they arrive at full age, the court shall decree a sale to be made, at such time and on such credits as will best comport with the circumstances of the case; and the said court shall have full power and authority to order and decree in what manner the proceeds of said land shall be invested for the benefit of said minor children, either in other lands, or put out at interest, as may seem to the court most to the interest of said minors: *Provided, however,* that the court shall require of the commissioner, trustee or next friend, who may be appointed to carry into effect the decrees and orders of the court, touching the premises, bond with approved security for the full and faithful performance of his duty, and to account to said minor children respectively, as they may arrive at full age, for his or her interest; which bond shall be made payable to said infant children, and filed with the clerk of said court.

[Approved, January 29, 1829.]

CHAP. 151.—An ACT for the benefit of the heirs of William D'Bell, deceased.

WHEREAS it is represented to the present General Preamble. Assembly, by the petition of the widow and adult heirs of William D'Bell, deceased, that said decedent departed this life claiming an interest in both real and personal estates of his father, William D'Bell, deceased, and of his brother, James H. D'Bell, deceased, but that the widow of said William D'Bell, sen. and mother of said decedent, is entitled to a life estate in the same, and that a sale thereof is necessary for the payment of debts due by said decedent; and that he, previous to his death, by a nuncupative will, directed a sale thereof, and directed that the proceeds be applied to the payment of his debts; and that said will was never recorded, because the same, so far as related to real estate, was void: Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the widow (who is administratrix) and heirs of said William D'Bell, deceased, (the infant heirs by their mother,) to file their petition in the Fleming circuit court, showing the situation of said estate, to which said decedent was entitled to receive of his father's and brother's estate as aforesaid, and of the necessity there is of a sale of the said estate for the payment of debts; which said petition shall be sworn to, and if it

Fleming circuit court may decree the sale & conveyance of land.

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shall appear to the satisfaction of said court, that a sale thereof is necessary for the payment of debts, or that it will conduce to the interest of said heirs, to decree a sale thereof, upon such credit as to said court may seem proper, and to appoint a commissioner with full power to convey the title to the purchaser, and to render such other decree as may be required to carry this act into effect.

[Approved, January 29, 1829.]

CHAP. 152.—An ACT to ascertain the true boundary line between the counties of Bourbon and Harrison.

Preamble.

WHEREAS by an act approved January, eighteen hundred and ten, it was provided that the surveyors of the counties of Bourbon and Harrison, should run and designate the dividing line between the two counties; and whereas the surveyors proceeded under said act, but differed in the result from a difference of opinion as to allowing, or not, the variation of the needle, by reason of which, difficulties are likely to arise with those who have settled and are settling about the line: For remedy whereof,

The surveyors of Bourbon & Harrison to run said line.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That on the first Thursday in May next, or as soon thereafter as may be convenient, the surveyors of Bourbon and Harrison counties, attended by a sufficient number of chain carriers, shall meet at the court-house of Bourbon county, and proceed to ascertain the point eight miles due north of said court-house, running according to the true meridian as now directed by law, and then proceed to run the line to the mouth of Townsend, and from the same point to the Nicholas line, as the law now directs; and their report shall be returned to, and recorded by the court of each county, as the true line. The said surveyors shall also cause stone corners to be fixed, if necessary, and the expense thereof, as well as that of surveying and carrying the chain, shall be paid in equal portions out of the levy of each county, to be levied at their next court of claims, respectively, if there be not a sufficient depositum in the hands of the sheriff, which may well be appropriated for that purpose.

Their duty.

The variation of the compass to be ascertained.

SEC. 2. *Be it further enacted,* That in ascertaining the variation, the said surveyors shall be governed by the variation ascertained in the late survey of the State line west of the Tennessee river, and the Secretary of

State shall furnish a certificate of said variation for that purpose, whenever applied to.

1829.

[Approved, January 29, 1829.]

CHAP. 153.—An ACT to amend the law in relation to Veniremen.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That no venire facias shall hereafter issue in any criminal prosecution, until after the indictment shall have been found by the grand jury, and not then, unless specially directed by the court in which such indictment shall be depending; but in all cases of criminal prosecution, a venire may be made of the qualified bystanders, as in civil cases, if a competent number can be had.

Venire facias not to issue but by order of the court.

SEC. 2. *Be it further enacted,* That hereafter no venireman shall be entitled to receive compensation, as such, unless he shall have been sworn in chief upon the trial.

Veniremen not to receive pay unless sworn in chief.

[Approved, January 29, 1829.]

CHAP. 154.—An ACT for the benefit of Jereboam Beauchamp.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of an act entitled, "an act more effectually to secure the navigation of the Beech and Rolling forks of Salt river," approved January thirteenth, eighteen hundred and seventeen, as prohibited Jereboam Beauchamp from building a milldam across the Rolling fork of Salt river, on the big falls of said river, at the Horseshoe bend, agreeably to an order of the county court of Washington county, be, and the same is hereby repealed.

Former act repealed.

SEC. 2. *Be it further enacted,* That it shall and may be lawful for the said Jereboam Beauchamp, his heirs or assigns, to build a milldam across the Rolling fork of Salt river, on the big falls, at the Horseshoe bend, in Washington county; which dam shall not exceed three feet in height, on the highest part of the rock, in order to build a water, grist and saw mill, and such other water works as he or they may see cause to erect.

Beauchamp authorized to build a mill-dam across the Rolling fork.

SEC. 3. The power to declare said river navigable hereafter, is reserved to the General Assembly, if it should appear that the navigation would be of more public benefit than the mills and other water works

Power reserved to the Legislature.

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hereby authorised to be built, or which may hereafter be built on said river above said falls; and the General Assembly may cause the said milldam to be pulled down and removed, or abated, as a nuisance, in such manner and at such time as may be deemed expedient.

[Approved, January 29, 1829.]

CHAP. 155.—An ACT for the benefit of the Methodist Episcopal Church in Jefferson county.

Trustees of a lot of ground held for the use of the preacher authorized to sell the same & purchase another piece of ground.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That John D. Lock, Samuel Hinkle, John Shrader, Reuben Ross and Aaron Wilhoit, trustees, in whom the legal title to a certain lot of ground and dwelling thereon, in the town of Floydsburg and county of Oldham, is now vested, for the use and benefit of the Methodist Episcopal preachers, who are now or may be hereafter sent by their annual conference to preach on the Jefferson circuit, be, and they are hereby authorized to sell and convey the said house and lot, and apply the proceeds of said sale to the purchase (in their names as trustees) of another lot of ground, in some more suitable or central part of the circuit aforesaid, and to the building a convenient house thereon for the accommodation of the preachers aforesaid.

[Approved, January 29, 1829.]

CHAP. 156.—An ACT to authorise Elisha Cowgill and Samuel Cracraft to receive from the executors of David Thomas, deceased, a bequest for the benefit of the Shannon Meeting House.

WHEREAS David Thomas, deceased, by his last will and testament, devised one hundred dollars for the benefit of the Shannon meeting-house, in the county of Mason, but no person was appointed by the will of said Thomas to receive the said bequest, for the use aforesaid; and doubts are entertained whether the executors can legally carry into effect the benevolent intentions of their testator, without some person or persons being authorised by law to receive the same: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Elisha Cowgill and Samuel Cracraft be, and they are hereby constituted trustees for the Methodist society, by whom the said meeting-house was built, for the purpose of receiving said



bequest, and applying the same for the use of said society; and the executors of said David Thomas, are hereby empowered to pay the said sum of one hundred dollars to said trustees: *Provided*, the conditions of the bequest shall have been complied with: *And provided*, the said trustees shall execute bond and security to the executors, if required, to refund, if necessary, for the payment of any debts, which may be due from the testator, and to indemnify them against the demands of any person who may set up claim to the said one hundred dollars.

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[Approved, January 29, 1829.]

CHAP. 157.—An ACT for the benefit of James Crawford.

WHEREAS John Chambers, the attorney for the Commonwealth for the first judicial district, resigned his office in June last, and the judge of said district appointed James Crawford, Esquire, to prosecute for the Commonwealth until an appointment could be made by the Governor, which appointment was made on the day of                      and the said Crawford has asked for compensation during the time he prosecuted without a commission, which is reasonable to this extent, that he shall be paid at the rate of three hundred dollars per annum: For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of public accounts shall issue his warrant on the public treasury, in favor of the said James Crawford, for the sum of fifty dollars; which warrant the Treasurer is hereby directed to pay in Commonwealth's paper, out of any money in the treasury not otherwise appropriated.

Allowed pay  
for his services  
as attorney for  
the Commonwealth.

[Approved, January 29, 1829.]

CHAP. 158.—An ACT to authorise the trustees of the Liberty Seminary to sell and convey their lands.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the liberty seminary, in the county of Casey, be, and they are hereby authorised (a majority concurring,) to sell and convey any part or the whole of their donation lands, for the benefit of said seminary.

[Approved, January 29, 1829.]

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CHAP. 159.—An ACT authorising the Partisan Examiner to insert certain advertisements.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the editor of the "Partisan Examiner," a newspaper about to be printed in Harrodsburg, to insert in said newspaper any and all advertisements which are authorised to be published in any newspaper published in the State, except such as are particularly directed by law to be published in the paper of the public printer; and the editor shall have a right to demand and receive the same fees for his services as are now allowed by law to other printers for similar services.

[Approved, January 29, 1829.]

CHAP. 160.—An ACT regulating the price of taking up Boats on the Ohio River.

*SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for any person finding any boat, or water craft, gone or going a drift on the Ohio River, to take up and secure such boat or craft, and if no person shall claim such boat or craft within thirty days thereafter, the taker up shall cause such boat or craft to be viewed by three housekeepers, who are disinterested and no wise of kin to the taker up, who shall, after viewing the same, give a description thereof in writing, together with the value of such boat or craft, and certify the same under their hands; which certificate, the taker up shall deliver within five days to some justice of the peace, within the county, who shall make a record thereof in his stray book, and transmit, within fifteen days, a certificate of the same to the clerk of the county court, and the clerk of such county court shall enter the same in his stray book, and file the original away with the papers of his office.

*SEC. 2. Be it further enacted,* That the owner of such boat or craft, proving his right thereto within the time hereinafter limited, and paying to the taker up, for each steam boat, ten dollars; each horse boat, six dollars; each flat boat, commonly called an Orleans boat, and every other boat of that description and construction, five dollars; keel boat, five dollars; wood flat, three dollars; ferry flat, two dollars; for each skiff, canoe or perogue, seventy-five cents; for each raft of timber, logs or plank, one dollar for each platform

thereof, together with all costs incurred by such taker up, in pursuing the provisions of the first section of this act, shall be entitled to demand and receive such boat, craft, or raft, so taken up.

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Sec. '3. *Be it further enacted*, That if the appraised value of such boat, raft or craft does not exceed two dollars, and if no person shall appear within two months after the taking up thereof, and prove his right thereto, the right of such last described boat, raft, or craft shall be vested in such taker up; but such taker up shall be liable for the rest of the value, after deducting the fee for taking up and costs of recording, &c. as herein provided for. But if the value thereof exceeds two dollars, and the owner does not appear and prove his right thereto within two months, then the taker up shall deliver the same to any constable residing in the vicinity where such boat, raft or craft, shall be taken up, and take his receipt therefor, and such constable shall proceed to advertise and sell the same to the highest bidder, having first given at least ten days' notice of the time and place of such sale, at at least three public places in the county, one of which shall be the door of the court house; who shall pay over the proceeds of such sale to the clerk of the county court of such county, where such boat, raft or craft shall be taken up, first paying to the taker up all fees and costs to which by this act he is entitled; and if the proper owner of such boat, raft or craft shall not, within twelve months after such sale, appear and show himself entitled to such proceeds, then the same shall be paid over to the original taker up.

Boats taken up if the owner does not appear, to be sold, &c.

[Approved, January 29, 1829]

CHAP. 161.—An ACT providing for further improving the road from Louisa to the Beaver Iron Works.

WHEREAS it appears to the present General Assembly, that the appropriation of land warrants for opening a road from Louisa, in Lawrence county, to the Beaver iron works, has been beneficially applied and much has been done towards opening the said road; but it appears that the appropriation is insufficient to complete said road, and that a further sum of three hundred dollars, in land warrants, will, as is believed, be sufficient for that purpose; and whereas it has been further represented, that the Virginia Legislature have appropriated a large sum of money to open a road from

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the interior of that State, by the way of Logan courthouse in that State to the Forks of Big Sandy, which will meet the first mentioned road at that place, thereby opening another and very convenient communication from this State to Virginia, greatly to the advantage of the citizens of both: Therefore,

Appropriation  
in land war-  
rants for im-  
proving said  
road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby appropriated land warrants to the value of three hundred dollars, at five dollars per hundred acres, for completing the improvement of the road from Louisa, in Lawrence county, by way of West Liberty, in Morgan county, to the Beaver iron works, in Bath county; which warrants shall be issued by the Register of the land office in the same manner, and subject to be located in the same counties as provided for by the sixth section of an act entitled, "an act providing for the improvement of the road leading from Louisa, in Lawrence county, by West Liberty, to the Beaver iron works," approved January the twenty-fourth, eighteen hundred and twenty-seven; and the said commissioners shall, in all things in relation to the improvement of said road, and in relation to the disbursement of the said land warrants, and every other thing concerning their duty as commissioners, be governed by the provisions of the before recited act, so far as the same may or can be applicable; and the attorney for the Commonwealth shall perform the duties required by the said act.

[Approved, January 29, 1829.]

CHAP. 162.—An ACT to amend an act entitled, "an act reducing into one the execution laws of this State," passed February 12, 1828.

All property  
taken by exe-  
cution (except  
land and ne-  
groes) may be  
sold before 20  
days.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the thirteenth section of the act entitled, "an act to reduce into one the execution laws of this State," passed February 12, 1828, as requires that the sale of property taken by execution, shall not take place until twenty days after the levy, shall be and the same is hereby repealed, so far as relates to all property taken in execution, except land and negroes; which property may be sold at any time after the same shall have been advertised as the law now requires.

Sec. 2. *Be it further enacted,* That all replevin bonds, sale bonds and other bonds, required or allowed to be

taken by said act, and which have the force of a judgment, shall bear interest from the time they were taken; and the clerk or justice of the peace issuing the execution on such bond, shall, without fee, endorse the time, and rate of interest thereon; and the officer levying or collecting the same, shall be governed accordingly.

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Replevin bonds, &c. to bear interest.

Sec. 3. *Be it further enacted*, That in all cases where the defendant or defendants shall have a right to replevy under the provisions of the above recited act, it shall be lawful for him, her or them, at any time before an execution is taken out of the office, to appear before the clerk of the court entering up the judgment or decree, or the justice of the peace who may have rendered the judgment, and with one or more good securities, to be approved of by such clerk or justice of the peace, enter into bond in substance as follows: "This day the defendant, A. B. together with C. D. his security, came before me, as clerk of the ——— court, (or before me, a J. P. if before a justice of the peace,) and undertook that they would satisfy and pay E. F. his judgment, including interest (if any,) and costs, amounting to ——— rendered in his favor against the said A. B. by this court, (or by me, if before a justice of the peace,) within ——— months, with legal interest on the whole amount thereof from this date;" which recognizance shall be dated and signed by the defendant or defendants giving the same, and the security or securities, and shall have the force and effect of a replevy bond; and execution may issue thereon after the expiration of the time of replevin; and that the clerk shall have a right to charge a fee of fifty cents for taking such recognizance, and the justice shall receive a fee of twenty-five cents for the same services, which shall be paid as other fees, and taxed in the recognizance; and clerks and their securities, or justices of the peace who take recognizances in pursuance of the provisions of this act, shall be liable in damages to the plaintiff for taking security that is insufficient at the time of approving thereof: *Provided*, that no execution shall issue upon any judgment or decree until ten days after the rendition of such judgment or decree, unless for good cause the court or justice of the peace shall order otherwise.

Who have a right to replevy.

Defendants, may enter into bond before the clerk or justice of the peace.

Clerk's & justice's fee, and liable for taking in sufficient security.

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Sec. 4. *Be it further enacted*, That an agreement on the record to waive the right of replevy, or any other agreement in relation to any judgment or decree, shall be specifically enforced according to its tenor; and the

An agreement of record to waive replevin &c. to be specifically enforced

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proper endorsement shall be made by the clerk, where an endorsement is necessary.

[Approved, January 29, 1829.]

CHAP. 163 — An ACT to amend the law establishing the Whitley Turnpike Road, and to mark out a road from Princeton to Waidshorough.

**Commissioners appointed.** SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Cornelius Gatliffe of Whitley county, and Nathaniel D. Moore of Laurel county, be appointed commissioners of the turnpike road from London to the Tennessee State line, by way of Williamsburgh, in addition to those heretofore appointed by an act entitled, "an act to amend an act establishing a turnpike by way of Williamsburgh, Whitley county," approved January 22d, 1827. The said commissioners, hereby appointed, to be governed by the provisions of the above recited act, in the discharge of their duties.

**How to be governed in their proceedings.**

**Land warrants how located.** SEC. 2. The said commissioners shall have power to cause to be located on any vacant and unappropriated lands within the county of Whitley, the residue of the land warrants which have not been appropriated under the provisions of the aforesaid act.

**Land warrants to be issued, how.** SEC. 3. The register of the land office shall issue to the commissioners of the said turnpike road, four hundred dollars worth of land warrants at the State price, which the said commissioners shall have power to cause to be located on any vacant and unappropriated lands within the county of Whitley; which said land warrants shall be appropriated by the commissioners for the improvement of said road.

**to be located in Whitley county.**

**Commissioners to employ hands.** SEC. 4. The commissioners are authorised and empowered to employ laborers to work on said road, and allow them the sum of fifty cents a day for their labor: *Provided,* the said laborers, so employed, shall furnish the necessary implements of labor, and find themselves in provisions; and the said persons so employed to be paid in land warrants appropriated by this act, to be assigned to them by the aforesaid commissioners.

**Commissioners of road from Princeton to Waidshorough** SEC. 5. *Be it further enacted,* That John Marshall and John Prince of the county of Caldwell, Edmund Curd and Murrie Utley of the county of Calloway, are hereby appointed commissioners, a majority of whom may act, so soon as the county court shall, at their June or July terms, order a State road to be viewed and

marked from Princeton, by the way of Eddyville, to Wadsborough, having a due regard to the present route, for the convenience of the citizens thereof.

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Sec. 6. *Be it further enacted*, That said commissioners shall, as soon as practicable, meet at any time before the first Monday in November next, in the town of Princeton, and from thence proceed to view and mark said road to Wadsborough, by the way of Eddyville, and shall, in all cases, be governed by an act establishing a State road from Elizabethtown to Princeton, and be governed by the same rules and regulations as are prescribed in said act; and the county courts of Caldwell and Calloway, after the report is made to them by the said commissioners, may, if they deem it proper, have said road opened as is prescribed in said recited act.

When commissioners to meet and how to proceed.

[Approved, January 29, 1829.]

CHAP. 164.—An ACT to amend the law respecting commissioners appointed to take in lists of taxable property.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all commissioners appointed to take in lists of taxable property throughout this Commonwealth, shall, at the same term of the court they are appointed, enter into bond with security to be approved of by the court, to the Commonwealth, in the penalty of five hundred dollars, conditioned for the faithful performance of their duty.

Commissioners to give bond.

Sec. 2. *Be it further enacted*, That it shall be the duty of such commissioners to apply at the residence of every individual in his county or district, liable to taxation, for his list of taxable property; and in case of absence of such individual, to leave a written notice, as now required by law; and upon failure of any duty required of such commissioner, he shall be liable to presentment to the grand jury, and fined a sum not less than five dollars nor more than ten dollars for each failure of duty, and to be liable to the suit of any individual upon his bond.

The commissioner to apply for lists at the residence of each person.

Sec. 3. *Be it further enacted*, That hereafter it shall be the duty of the several county courts in this Commonwealth, in making allowances to the commissioners of taxable property, to be governed by the number of lists taken and returned by such commissioner, which in no case shall exceed the sum of five cents for each list taken in by such commissioner; which allowance

Pay to commissioner.

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shall be certified to the Auditor of public accounts, in the same manner that allowances are now made by law: *Provided*, that if it shall appear that the commissioner was diligently engaged and could not make one dollar per day at the above rate, the court is authorized to allow him one dollar per day.

Penalty on  
commissioner  
for failing to  
take in lists.

Sec. 4. *Be it further enacted*, That upon satisfactory proof being made to any county court, that any commissioner has failed to take in and return any list or lists of taxable property, that said court shall deduct from said commissioner's allowance, the sum of ten cents for each and every list so failed to be returned.

[Approved, January 29, 1829.]

GEN. 165.—An ACT appropriating money for opening the State Road from Prestonsburg to the Virginia State line.

Preamble

WHEREAS it is represented to the present General Assembly, by the commissioners appointed to superintend the opening of a State road from Prestonsburg to the Virginia State line, by way of Pikeville, that over and above the sum of money remaining in their hands, of twenty-one dollars, that to complete said road, the further sum of nine hundred and ninety-five dollars will be necessary: Therefore,

Appropriation. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further sum of nine hundred and ninety-five dollars, be, and the same is hereby appropriated for the purpose aforesaid; and that the Auditor be, and he is hereby authorized to issue his warrant on the Treasurer for that sum, and the Treasurer is directed to pay the same out of any money not otherwise appropriated.

Duty of the  
commissioners.

Sec. 2. *Be it further enacted*, That no money shall be drawn from the public Treasury until the commissioners shall have fully settled with the proper court for their former actings and doings, and paid into the Treasury the amount remaining in their hands, and file with the Auditor a certificate of such settlement; and the court shall, on the part of the State, make particular examination of all accounts, and require and hear proof where any doubts exist as to the manner of appropriating the money or amount appropriated. Harry Stratton, Rhodes Mead, James Honaker and Thomas Johns are hereby appointed commissioners, instead of the commissioners heretofore appointed, who shall, before they enter upon the performance of their de-



ties as commissioners, execute bond, and in all things be governed by the provisions of the laws heretofore enacted and now in force in regard to commissioners of said road, and shall be liable to the same fines and forfeitures, and to the same proceedings for delinquency, as was provided in regard to the former commissioners of said road; and suits shall be brought and prosecuted by the attorney for the Commonwealth, against the commissioners hereby appointed, in the same manner as is provided for in regard to the former commissioners, and no contract shall be made without the personal attendance of at least three of the commissioners, and by letting out the work to be performed to the lowest bidder, at public outcry, and by having previously advertised the same, and by taking bond and security of the undertakers.

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Proceedings vs  
commissioners  
for neglect of  
duty.

[Approved, January 29, 1830.]

CHAP 166.—An ACT to incorporate certain Turnpike Road Companies.

Sec. 1. *Be it enacted by the General Assembly of the* Title of com-  
*Commonwealth of Kentucky,* That a company shall be pany.  
formed under the name, style and title of "the Mays-  
ville and Washington Turnpike Road Company," for the  
purpose of forming an artificial road from Maysville to  
the south end of Washington, in the county of Mason.

Sec. 2. *Be it further enacted,* That the capital stock Amount of  
of said company, shall be twenty thousand dollars, to capital.  
be divided into shares of one hundred dollars each.

Sec. 3. *Be it further enacted,* That books for the Books when o-  
subscription of stock in the said company, shall be pened and  
opened on the first Monday in April next, at the towns where.  
of Maysville and Washington, and to continue open  
until the amount of stock shall be subscribed, under  
the directions of Andrew M. January, James Morrison,  
John Armetrong, Robert Taylor, Marshall Key and  
Andrew Wood, or some one or more of them, who are  
appointed commissioners. The said commissioners  
shall procure a book or books, and the subscribers to  
the stock of said company shall enter into the follow-  
ing obligation in said book or books, to wit: "We Obligation of  
whose names are hereunto subscribed, do promise to subscribers.  
pay to the president, directors and company of the  
Maysville and Washington turnpike road company,  
the sum of one hundred dollars for every share of stock  
in said company set opposite to our names, in such man-

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ner and proportion, and at such times as shall be required by the president and directors of said company, and agreeably to an act of the General Assembly of Kentucky, incorporating said company. Witness our hands this day of April, one thousand eight hundred and twenty-nine." The said commissioners, or a majority of them, shall give notice in the newspaper printed at Maysville, of the time and place of opening the books for the subscription of stock in said company, and that the same will continue open until the amount of capital shall be subscribed.

When a meeting of company to be called

Directors to take an oath.

Treasurer to give bond and security.

Corporate name and privilege.

Sec. 4. *Be it further enacted*, That so soon as the amount of capital shall be subscribed, the said commissioners shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for a president and six directors, who shall hold their office for one year, and until others shall be elected and qualified. The said president and directors shall, before they enter upon the duties of their appointment, take an oath before some justice of the peace, that they will faithfully discharge the duties of president or directors (as the case may be) without favor or affection, according to the best of their judgment. That upon the qualification of the president and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The treasurer of said company shall, before he enters on the duties of his office, give bond with one or more good securities, in the penalty of five thousand dollars, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of said company, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

Sec. 5. *Be it further enacted*, That upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style and title of "the Maysville and Washington Turnpike Road Company," and by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of purchasing, taking and holding to them and their successors, and assigns,

and of selling, transferring and conveying in fee simple, all such lands, tenements, hereditaments and estate real or personal, as shall be necessary to them in the prosecution of their work, and to sue and be sued, implead and be impleaded, answer and be answered; defend and be defended, in courts of record or any other place whatever; and also to have a common seal; and to do all and every other matter or thing which a body politic or corporation may lawfully do.

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Sec. 6. *Be it further enacted*, That the said president and directors, upon their entering on the duties of their office, may call on the stockholders for the payment of ten dollars on each share subscribed in said stock, and may, if necessary, call for ten dollars on each share every sixty days, until the whole amount subscribed shall be paid. And if it shall be ascertained that the amount of capital is not sufficient to accomplish the object of this act, the said president and directors may enlarge the same to such amount as they deem necessary, and open subscription therefor in such manner as they may direct.

Payments on stock, when to be made.

Sec. 7. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, according to the number of shares he shall hold, shall be in proportion as follows: For every share under five, one vote; for every two shares over five and not exceeding ten, one vote; for every four shares over ten, one vote; and after the first election, no share or shares shall confer a right of voting, which shall not have been holden three months previous to the election. The stockholders may vote in person or by proxy, and none but a citizen of the county of Mason and a stockholder shall be eligible as a president, director or treasurer; and the president or directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a president and directors shall be held on the first Monday in April, at such place as the president and directors may direct, at which time the president shall lay before the stockholders an exposee of the situation of the said company, and also the record of their proceedings, for the preceding year.

votes of shareholders, how arranged.

Sec. 8. *Be it further enacted*, That the president and directors first chosen as aforesaid, shall deliver a certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each share by him subscribed and held; which certificate shall be transferable on the books of the said corporation in person or by attorney; but no share

Certificate of stock.

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shall be transferred until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall be a member of the said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

Called meetings.

Sec. 9. *Be it further enacted*, That the president may call meetings of the directors at such times and places as he may think proper. A majority of all the directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book to be provided for that purpose, and shall be signed by the president; and in case of the absence of the president, the directors shall elect a president pro tempore, and they may adjourn, from time to time, as they may think proper.

Directors to appoint all officers.

Sec. 10. *Be it further enacted*, That the president and directors shall have power and authority to agree with and appoint all such surveyors, engineers, superintendents, artists and officers as they shall judge necessary to carry on the contemplated work, and to fix their salaries or wages; to prescribe the time, manner and proportions in which the stockholders shall make payments on their respective shares to carry on the said work; to draw orders on the treasurer for all moneys necessary to pay the salaries or wages of persons employed, and for labor and materials furnished; and to do all such other matters and things as by this charter and the by-laws of the corporation, they are or shall be required to do.

Notice of call for instalments necessary.

Sec. 11. *Be it further enacted*, That the president shall give notice in the newspaper printed at Maysville, for at least thirty days, of the amount of the call on each share of stock and of the time of payment. And if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent. per month for every delay of such payment; and if he shall fail to pay the amount of such call and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit said share or shares to the corporation, and the amount that shall have been paid thereon; and the president, by order of the directors, shall sell the said shares at public sale, having advertised the same for ten days; *Provided*, the same will

Forfeiture of shares.

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bring the amount of the balance due on said share or shares: *And provided*, that no stockholder shall vote at any election or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable as aforesaid, on the share or shares by him held, shall have been paid agreeably to the requisition of the president.

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Sec. 12. *Be it further enacted*, That the president and directors shall employ such surveyors, engineers, artists and chain carriers, as they may think necessary; and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways, in, through and over which said intended road may be thought proper to pass, and to examine and survey the ground most proper for that purpose; and to examine the quarries or beds of stone and gravel and other materials necessary for the completion of said road; and they shall locate the said road on as direct a line as the ground will admit of, from the north end of the main street of Washington to the top of Limestone hill, a majority of the president and directors concurring in the said location; and they shall cause a plat of the said road, as located, to be made out and lodged with the treasurer of the said company.

Directors may enter lands adjacent to the road.

May take stone, &c.

Sec. 13. *Be it further enacted*, That it shall and may be lawful for the president and directors, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons and other carriages, and their beasts of draught and burthen, to enter upon the lands in and over, contiguous and near to which the said intended road shall pass, having given notice of their intention to the owners and occupiers thereof or their agents: *Provided*, that if the said owners or agents shall not agree with the said turnpike road company, as to the damages which he or she may be entitled to, then it shall be the duty of the said president and directors of said turnpike road company, to make application to the county court of Mason for a writ of *ad quod damnum* to assess the damages which may have been sustained by such party, and such proceedings shall thereupon be had as are directed by law, in relation to the establishment of public roads; and the jury in assessing damages shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road, and upon payment or tender of the damages so assessed, or where no damages are assessed, it shall be lawful for said president and directors

May locate the road by paying damages.

Provide

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to open and make said road, and to dig and carry any stone, gravel, earth and other materials, necessary for making and repairing said road.

Road how received when finished.

Sec. 14. *Be it further enacted*, That so soon as the president, directors and company shall have completed said road, they shall call on three justices of the peace of Mason county, who are in no way interested in the stock of said company, to examine the same; and if they shall certify that the said road is made in conformity to the provisions of this act, (which certificate shall be recorded in the county court of Mason county,)

Gate to be erected.

the president and directors may cause a gate to be erected across said road, and may collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle or carriages: *Provided*, that no gate shall be erected within one third of a mile from the town of Maysville, or one half mile of the town of Washington.

Rates of toll.

Sec. 15. *Be it further enacted*, That so soon as the gate shall be erected as aforesaid, it shall and may be lawful for the president and directors to appoint such and so many toll gatherers as they may think proper, to collect and receive of, and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through the said gate or turnpike, until they shall have paid toll agreeably to the following rates, to wit: For every twenty head of sheep, hogs or other small stock, six and a fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule, ass or other four footed animal of the larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn and the person or persons transported by it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, wagon or other carriage of burthen, whose wheels do not exceed four inches in width, twenty five cents; for every such carriage of burthen, whose wheels shall exceed four inches and shall not exceed six inches in width, twenty cents; and for every such carriage of burthen whose wheels shall exceed six inches in width, fifteen cents, exclusive of the beasts by which they are drawn; for every person two cents: *Provided*, that no toll shall be taken or demanded from any person passing or repass-

Provided.

ing from one part of his farm to another, or to or from any funeral, or from militiamen on days of training, or of attending courts martial, or from electors going to and returning on days of election, or from grand jurors and veniremen going to or returning from court when summoned, or public expresses.

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Sec. 16. *Be it further enacted*, That if any person or persons liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with an intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds or land near to or adjoining any turnpike or gate, or with the intent aforesaid, shall take off or cause to be taken off any horse or other beast or cattle of draught, burthen or pleasure, or shall practise any other fraudulent device with the intent to lessen or evade the payment of any such toll or duty, such person, so offending, shall, for every such offence, respectively forfeit and pay to the president and directors the sum of five dollars, recoverable before a justice of the peace, in like manner as other debts of equal amount, in the name of the president, directors and company aforesaid. Penalties.

Sec. 17. *Be it further enacted*, That if, at any time, the said road shall be out of repair for the space of ten days, it shall and may be lawful for any person to call on two justices of the peace of Mason county to go and inspect said road, and if, upon inspecting the same and receiving proof that it had been out of repair for ten days, the said justices shall, by their order in writing delivered to the treasurer of the said company, or in case of his absence to the president thereof, direct that no toll or duty shall be received on said road, until the same shall be repaired and put in good order; and if any toll shall be demanded or taken after the delivery of such order, the said company shall forfeit and pay the sum of five dollars for each and every offence, to be recovered as other debts of like amount, and upon service of process upon the acting president of said company: *Provided*, there shall have been sufficient time to inform the gatekeepers of said order; and upon the said road being repaired, the president and directors shall call on two justices of the peace to examine the same, and if they shall be of opinion that the said road is in good repair, they shall certify the same, and direct that toll shall be demanded and taken at the gate or gates, agreeably to the provisions of this act. Mount of repair, gates to be thrown open. Penalties.

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An account of receipts and payments to be kept.

Dividend to be made every six months.

If profits be less than six per cent. may increase tolls.

Profits never to exceed twelve percent.

Wheel carriages to keep to the right.

Penalty.

Penalty for receiving more than legal toll.

**Sec. 18.** *Be it further enacted,* That the president and directors shall keep a fair and just account of all moneys which shall be received by them from the subscribers of the stock of said company, also of all moneys by them expended in the prosecution of said work; and all costs, charges and expenses of said road, shall be paid and discharged, and the aggregate amount, when ascertained, shall be entered on the books of the treasurer. The president and directors shall, at the end of every six months after the said road shall be completed, make a dividend of the clear profits, and pay the same to the stockholders; the dividends shall be declared on the first day of April and the first day of October in each year. And should the nett profits be less than six per cent. upon the capital of said company, the president and directors may, after the expiration of one year from the completion of said road, increase the tolls to such sums as will amount to six per cent upon the capital expended in making said road: *Provided,* that such increase shall, after each half yearly dividend, in which more than six per cent per annum shall have been ascertained for profits, be diminished, so as to make the nett profits not exceed six per cent per annum until the tolls shall be reduced to the rates fixed by the fifteenth section, after which they shall remain as therein provided: *And provided,* that the nett profits or tolls shall never exceed twelve per cent. on the capital vested in said road; and the Legislature shall have power to provide for reducing them to that sum. The president and directors shall cause printed lists of the rates of toll which they may lawfully demand, to be affixed on or near to the gate or gates across said road.

**Sec. 19.** *Be it further enacted,* That all wheel carriages using said road, shall, in passing other wheel carriages, keep on the right hand side, leaving the other side free and clear for wheel carriages to pass and repass, except when overtaking or passing a carriage of slower draught; and every carter, wagoner or driver, offending against this provision, shall pay to any person suing for the same, the sum of five dollars, and also all damages any person may sustain, recoverable before a justice of the peace of Mason county.

**Sec. 20.** *Be it further enacted,* That if any toll gatherer on said road, shall demand or receive from any person or persons using said road, any greater rate of toll than is allowed and authorised by this act, such toll gatherer shall forfeit and pay, for every such of-



fence, the sum of five dollars, recoverable by any person who shall sue for the same, before any justice of the peace, as other debts of like amount. That no suit to recover the penalties under the provisions of this act shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

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Sec. 21. *Be it further enacted*, That the said road shall be so levelled and graded, that when completed, the elevation thereof shall not exceed four degrees and a half. Degree of ascent.

Sec. 22. *Be it further enacted*, That the president and directors shall take bonds with good security from the gatekeepers and other persons employed by them, for the faithful discharge of the duties to them respectively assigned, which bonds they may cause to be renewed whenever they may deem it necessary; and they shall be payable to the president, directors and company as aforesaid. Officers to give bond and security.

Sec. 23. *Be it further enacted*, That if the General Assembly of the State of Kentucky, shall, out of the funds of the State, cause a turnpike road to be made from Lexington to Washington, where the proposed road shall terminate, so that the profits arising from the said road shall be applied to the use of the State, the president, directors and company hereby incorporated, shall surrender the said road, with all its privileges and appurtenances, to the State, upon the payment by the State to the stockholders of the original cost of said road. Privilege may be surrendered to state on conditions.

Sec. 24. *Be it further enacted*, That it shall be lawful for the General Assembly, at any time hereafter, to authorise the Governor, for the time being, to subscribe for any number of shares of stock in the said company that may be deemed expedient, whereupon the funds received from the State for the stock thus subscribed, shall be applied as soon as may be, in extending said road by the nearest and best direction, towards Mayslick; and so soon as the said funds shall be expended on said road, the State shall be entitled to a dividend, in proportion to the number of shares she may have subscribed for: *Provided*, that if the road shall be extended under the provisions of this section, the company may collect tolls in addition to those authorised by the fifteenth section of this act, so that the said additional tolls shall not exceed a fair proportion, according as the additional road shall bear to that Legislature may hereafter subscribe to said company. Toll gates may be erected.

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which shall have been finished by the said company, and for that purpose may erect one or more additional gates.

Right reserved  
by the Legis-  
lature of mak-  
ing roads.

Profits may be  
applied to ex-  
tending the  
road.

Sec. 25. *Be it further enacted*, That it shall be competent for the General Assembly hereafter to provide by law for the extension of the said turnpike road to Lexington, or any intermediate point, and for that purpose, a right is reserved by the Legislature to provide by law for subscriptions for additional stock to be taken by the State of Kentucky, by the United States or by individuals, or either or all of them; and when such stock shall be subscribed and the proceeds thereof applied to the extension of said road, the owners of the said stock shall be entitled to their proper proportion of profits, out of each dividend which shall be declared; and for every additional five miles of road which shall be made under the provisions of this section, the same tolls shall be collected as are authorised by the fifteenth section of this act; and additional gates may be erected, so that there be not more than one additional gate for each five miles.

Toll gates at  
bridges.

Sec. 26. *Be it further enacted*, That if the turnpike road aforesaid shall hereafter be extended under the provisions of the twenty-fourth and twenty-fifth sections of this act, whereby it shall become necessary to erect any bridge, the actual cost of which shall amount to or exceed twenty thousand dollars, it shall be lawful for the said company to collect tolls for the passage of said bridge, equal to those specified in the fifteenth section of this act; and if it shall become necessary to erect a bridge or bridges, the actual cost of which shall exceed ten thousand dollars and be less than twenty thousand dollars, then the said company may collect, at each of said bridges, one half the amount of tolls specified in the said fifteenth section, and gates may be erected at said bridges for the collection of said tolls.

Reviving  
clause.

Louisville  
turnpike com-  
pany.

Sec. 27. *Be it further enacted*, That so much of an act entitled, "an act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes," as incorporates the Louisville turnpike company, be, and the same is hereby revived and continued in force; and in lieu of the commissioners named in said act, William D. Payne, Isaac H. Tyler, William Pope, sen. and William Chambers, or any two of them, be, and they are hereby appointed commissioners to carry the act hereby revived into execution; and that the subscription of two hundred shares of the stock shall authorise the commissioners to call

meeting of the shareholders, and then to elect a president and managers to said company, and the commencement of the work: *Provided*, that if two hundred shares of the stock in said company shall not be subscribed within eight months from the passage of this act, the corporate powers shall cease and have no effect. 1829.  
Limitation.

Sec. 28. *Be it further enacted*, That the president and managers of the Louisville turnpike company shall have the right, power and authority to cause the said artificial road to be constructed on one side; and to take such steps as may be necessary and proper to compel all wagons and wheel carriages to run on the artificial road, and they shall keep the residue of the fifty feet of said road open and in repair for the passage of single horses and stock of all description. Power to make regulations.

Sec. 29. *Be it further enacted*, That it shall be the duty of the president and managers, within one year after the organization of the company, to commence the work, and to have said road completed within five years thereafter; and when five miles are completed, they shall have the power and right to erect a turnpike gate on said road and collect tolls as authorised by the charter. When the road to be commenced and finished.

Sec. 30. *Be it further enacted*, That the Commonwealth of Kentucky shall, at any time within five years, have a right to take a moiety of the capital stock in said company, on paying the amount paid on the stock, with interest, deducting the nett profits received on the same, and the president and managers shall not issue certificates of stock to the shareholders for the one moiety of the stock subscribed, until the expiration of the five years allowed the State to take the same; and upon the State paying as aforesaid, the certificates of stock shall be issued to the Commonwealth. Right reserved to the state of subscribing.

Sec. 31. *Be it further enacted*, That a company shall be and the same is hereby formed, for the purpose of making an artificial road from Lexington to Covington, under the name and style of the "Lexington and Covington turnpike company," and by that name and style shall be a body politic and corporate. The capital stock of the said turnpike road company, shall be four hundred thousand dollars, to be divided into four thousand shares of one hundred dollars each. Subscriptions towards constituting said stock of said company, shall be opened in the towns of Lexington, Georgetown, Williamstown and Covington, on the first Monday in April next, or in some convenient time Lexington and Covington company.  
Capital stock.

1829.

thereafter, under the directions of the commissioners hereinafter appointed, and shall continue open months, unless sooner filled.\*

Commissioners appointed.

Sec. 32. *Be it further enacted*, That the following persons shall be and are hereby appointed commissioners to do and perform the several duties by this act directed, viz: In the county of Fayette, John Brand, William Morton, David A. Sayre, John W. Hunt and Joseph Boswell; in the county of Scott, Job Stevenson, John Payne, James D. Offutt and James F. Robinson; in the county of Grant, Thomas Clark and James Collins; and in the county of Campbell, James Taylor, Richard Southgate, Thomas D. Carneal, John Leathers and Robert Perry.

Directors to establish by-laws, &c.

Company to have same privilege as the other companies.

Sec. 33. *Be it further enacted*, That so soon as the said company is organized, the president and managers shall possess all the powers, authorities and privileges, and shall and may do the acts and things necessary for carrying on and completing said turnpike road, and for laying out the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and to be entitled to the like tolls and profits in proportion to the distance, as are given and granted to the commissioners and to the president and managers of the Maysville and Washington turnpike road company by this act incorporated; and so much of the said recited act, as far as the same shall apply, with the same powers and authorities, shall be granted by this act, as if the recited act was hereby re-enacted.

Profits not to exceed twelve per centum.

Sec. 34. *Be it further enacted*, That whenever the tolls herein reserved shall yield a profit to this company over and above twelve per centum per annum, the tolls shall be lessened so as to reduce the same to twelve percent.

Reserved to the State to take stock.

Sec. 35. *Be it further enacted*, That the State of Kentucky shall, at all times, have the right and privilege to take any part of the stock of this company, not exceeding one half, by paying one half the cost and expense of making said road to said company, and in that event, each shareholder shall be reduced in their shares in due proportion.

Present proprietors of turnpike not to be molested.

Sec. 36. *Be it further enacted*, That nothing in this act contained, shall be so construed as to affect the rights and interests of the present proprietor or proprietors of the turnpike road established between Georgetown and Covington, nor is it to interfere with the same, previous to the expiration of that charter or grant.

Sec. 37. *Be it further enacted*, That a company shall be and the same is hereby formed, for the purpose of making an artificial road from the city of Louisville, by the way of West Point, to Elizabethtown; under and by the name and style of the "Louisville, West Point and Elizabethtown turnpike road company," and by that name and style shall be a body politic and corporate. The capital stock of said company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each. Subscriptions towards constituting said stock, shall be opened in the city of Louisville, and the towns of West Point and Elizabethtown, on the first Monday in June next, or in some convenient time thereafter, under the direction of commissioners hereinafter appointed, and shall continue open six months, if not sooner filled.

1829.

Louisville,  
West Point &  
Elizabethtown  
company.

Capital stock.

Sec. 38. *Be it further enacted*, That the following persons shall be, and they are hereby appointed commissioners, for the purpose of receiving subscriptions to the stock of said company, and performing all the necessary acts to organize said company, agreeably to the provisions in this act concerning the Maysville and Washington turnpike road company, viz: Matthew Love, Joseph Reed, William D. Payne and William Garven, of the county of Jefferson; and James Young, Henry Ditto, John R. Stockman, H. G. Wintersmith and James Crutcher, of the county of Hardin.

Commissioners  
to receive sub-  
scriptions.

Sec. 39. *Be it further enacted*, That so soon as two hundred shares are subscribed for, in the capital stock of said company, the said commissioners shall then proceed to have the said company organized in conformity to the requisitions of this act, for organizing the Maysville and Washington turnpike company; and when thus organized, it shall then possess all the powers, authorities and privileges, and shall and may do all the acts and things necessary for carrying on and completing said turnpike road and for laying out the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and entitled to the like tolls and profits in proportion to distance, that are given and granted to the president and managers of the Maysville and Washington turnpike road company by this act of incorporation; and so much of this act, so far as the same shall apply, with the same power and authorities, shall be granted, as if the same were again herein recited.

Company to be  
organized.

Its powers and  
privileges.

Sec. 40. *Be it further enacted*, That so soon as five miles of said road is constructed and finished, beginning

May erect  
gates.

1829.

at any point thereon and named herein, and on either side of Salt river, beginning at said river, the said company may erect a gate on every and each of said sections of five miles, and collect the tolls allowed by this act thereon.

State reserves  
the right to  
subscribe.

Limitation.

Banking privi-  
leges refused.

Sec. 41. *Be it further enacted*, That the Commonwealth of Kentucky reserves to itself the right to take a moiety or any smaller portion of the stock of said company, on such terms and conditions as may be just and equitable between the company and the State: *Provided, however*, that unless the work contemplated by each of the corporations hereby created, except the Lexington and Covington turnpike company, shall have been begun within three years, or shall have been completed within six years from the passage of this act, that then all the powers and privileges of each of the corporations so failing, shall cease and be at an end; *And provided further*, that neither of the said corporations shall possess the power of loaning money, or any other banking powers or privileges whatever.

[Approved, January 29, 1829.]

CHAP. 167.—AN ACT for the benefit of Augustine Byrne, heir and representative of John Byrne, deceased.

Preamble

WHEREAS it is represented to the present General Assembly, that John Byrne of the county of Calloway, did purchase at the sale of public lands west of the Tennessee river, the northeast quarter of section six, township four, range six east, thirty-six acres, being a fraction on the Tennessee river, and paid to the receiver of public moneys for said fraction, purchased as the highest bidder, one hundred and ninety-one dollars and twenty-five cents, which said fraction, as laid down on the map, was computed at thirty six acres, which on resurveying was found to contain only one acre; owing to the Tennessee river being extremely high, and the low grounds overflowed when the country was sectionized, they guessed at the distance across the Tennessee bottom thus overflowed, which accounts how this mistake has happened; and it appearing reasonable and just that the State should not take said money without compensation: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Augustine Byrne, heir and representative of said John Byrne, deceased, shall have

the liberty to enter two quarter sections of land with the receiver of public moneys west of the Tennessee river, without paying the State price therefor; and the register of the land office shall issue him patents as in other cases: *Provided, however,* that nothing herein contained shall interfere with any actual settler in said land district.

1829.

Authorized to enter two quarter sections of land.

[Approved, January 29, 1829.]

CHAP. 168 —An ACT to incorporate the Ohio Bridge Company.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert Breckinridge, John S. Snead, John I. Jacob, Robert Graham, Levi Tyler, Robert Ormsby, Edward Shippen, William D. Payne, Basil N. Hobbs, Philip R. Gray, James M'Gilly Cuddy, James Hughes, John B. Bland, Daniel Smith, William H. Pope, James C. Johnston, Samuel Bell, S. S. Goodwin, Jonathan Jennings, Benjamin Park, Samuel Gwathmey, John P. Tunstall, Orlando Raymond and William D. Beach, with their associates, be and they are hereby created a body politic and corporate, by the name of the Ohio Bridge Company, for the purpose of erecting and constructing a permanent bridge across the river Ohio, at the falls thereof; and they and their associates and successors, shall continue and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded in this Commonwealth and elsewhere, in all courts of law or equity; to make, have and use a common seal, and the same to break, alter or amend at pleasure; they shall also have the power to purchase and hold as much real estate as will be necessary for the site of said bridge or the sites for the piers, abutments, toll houses, and suitable avenues leading to the same; also to borrow money not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also the power to ordain and establish such by-laws, ordinances and regulations as shall be necessary for the well being and government of said corporation, not contrary to the laws of this Commonwealth, the State of Indiana or those of the United States.

Ohio bridge company.

To erect a bridge at the falls of Ohio.

Their powers and privileges.

May borrow money.

1829.

Amount of  
capital.

**Sec. 2.** *Be it further enacted,* That the capital stock of said company shall consist of five hundred thousand dollars, divided into ten thousand shares of fifty dollars each, to be subscribed for or sold in the manner hereinafter mentioned.

To advertise  
subscription of  
stock.

**Sec. 3.** *Be it further enacted,* That within sixty days after the passage of this act, and the confirmation of the same by the State of Indiana, the persons before named, or a majority of them, shall cause a public advertisement to be made of the time and places of opening books of subscription of the stock of said company, which books shall be kept open under the direction of said persons, or a majority of them, not less than ten days nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares than ten thousand shall have been taken, then and in that case, the persons before named, or a majority of them, shall proceed to reduce the number of shares in an equitable and just proportion among the subscribers, taking off from the highest subscribers, not reducing any one below twenty shares; and they shall have the right to demand and receive from every person subscribing for the stock of this company a sum not exceeding ten, nor less than one dollar on each share subscribed, at the time of making the subscription, and no subscription shall be deemed valid unless such payment is made, if required by the conditions of subscription.

Number of  
shares how fixed to each subscriber.

Meeting of  
shareholders  
when to be  
called.

**Sec. 4.** *Be it further enacted,* That when two thousand shares shall have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the shareholders of said company at Louisville, giving at least fifteen days previous notice of the time and place of such meeting, and the shareholders shall thereupon proceed to the election of a president and six directors, who shall be shareholders, and such of the before named persons who shall not then be shareholders, shall cease to be members of said corporation, and the said shareholders shall also proceed to fix what compensation the said president and directors shall be entitled to receive, if any be allowed; also to ordain and adopt any such by-laws for the permanent organization of said corporation, as they may deem needful; at which meeting each shareholder shall be entitled to one vote for each share to the number of twenty, and one vote for every ten shares over twenty and not exceeding one hundred, and one vote for every twenty shares above one hundred; and at

To make by-  
laws, &c.



all subsequent elections or general meetings of the stockholders, no shares shall be voted on that have not stood in the name of the person claiming to vote at least three months previous to the day of election or meeting, and that the shares in said company may be voted on by proxies duly recorded, conforming to the foregoing regulations.

1829.

Sec. 5. *Be it further enacted*, That the president and directors first chosen, shall hold their offices until the first Thursday in January ensuing such election, and until others shall be chosen in their places; and on the first Thursday of January in each year, the stockholders in said company shall meet at their office in Louisville, or at some place to be designated by the president and directors, and then proceed to the election of a president and six directors, who shall be shareholders and residents of the States of Kentucky or Indiana, and who shall hold their offices for one year or until their successors shall be elected. Public notice of such meetings and elections shall be given by the clerk or secretary of the company in some public newspaper printed in Louisville, at least fifteen days previous thereto. At the annual meetings a statement of the affairs of the company shall be made out by the president and directors and presented to said meeting, and such dividends of the profits declared as may be deemed advisable.

Elections to be held on the 1st Thursday in January.

Public notice thereof to be given.

Sec. 6. *Be it further enacted*, That the concerns of said corporation shall be under the control, superintendence and management of the said president and directors; and the president and three directors shall constitute a quorum to transact business, or in the absence of the president, any four of the directors, one of whom shall act as president *pro tem*. The president and directors, after they shall have been duly elected as aforesaid, may make such assessments in the shares of said company as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper. They are to open or renew the subscription for the shares not already subscribed, or sell them and any forfeited shares, as they may think best for the company: *Provided, however*, that no stock shall be sold by them for less than the par value thereof.

Affairs of company how directed.

Sec. 7. *Be it further enacted*, That it shall be the duty of the president and directors to appoint a clerk or secretary, and cause a record of their proceedings to be

Directors to appoint other officers.

1829.

To fill vacancies.

May receive conveyance of land.

Bridge not to obstruct navigation.

Rate of tolls.

Proviso.

Annual report to Legislature

kept; they may also appoint a treasurer and such other officers or agents, as they may think needful for promoting said undertaking, and to allow them such pay or compensation as they may agree on; to make contracts and do all things necessary for carrying the same into immediate effect, and to require and take such bonds or other surety, in their corporate capacity, from any person or persons they may so appoint or contract with; and in the event of the death, resignation or vacancy, from any other cause, of the president or any director, the survivors or a majority of them, shall supply the vacancy until the next annual election, by the election of another shareholder.

Sec. 8. *Be it further enacted*, That the said president and directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or sites for the abutments or piers of said bridge; and if they shall deem it advisable and advantageous to the company, one acre of land at each end of the bridge over and above what is authorised to be purchased by the first section of this act.

Sec. 9. *Be it further enacted*, That the said permanent bridge shall be erected so as to permit the passage of ships, schooners, sloops and steam vessels, of the largest size and height, at the highest stages of the water in the river, and shall have over the main channel on the Kentucky side, and also over the main channel on the Indiana side, spans or arches not less than two hundred feet wide, and the other spans or arches not less than one hundred feet; and when so erected and completed, the president and directors shall have a right to fix rates of toll for passing over said bridge, and to collect the same from all or every person or persons passing thereon, with their goods, carriages or animals, of every kind or description: *And provided, however*, that the said company shall lay before the Legislature of this State, a correct statement of the cost of said bridge, and an annual statement of the tolls received for passing the same, and also the cost of keeping the said bridge in repair, and of the other expences of the company; and the said president and directors shall, from time to time, reduce the rates of toll, so that the nett profits shall not exceed eighteen per centum per annum, after the proper deductions are made for repairs and other charges. Toll gates may be kept and toll received at each end of the bridge, and the rates of toll posted up in some conspicuous place where the toll is demanded.

Sec. 10. *Be it further enacted*, That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said bridge or any thing thereto belonging shall be injured or damaged, the said person or persons, so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of competent and legal jurisdiction; and any person or persons who shall pass or attempt to pass said bridge without paying the toll or tendering it, if there be any person present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this Commonwealth; and further, if any person or persons shall wilfully set fire to said bridge or burn the same, or any part thereof, such person so offending, with their aiders or abettors, shall be guilty of arson. 1829.  
Penalty for injuring the property of company.

Sec. 11. *Be it further enacted*, That certificates of stock in said company, shall be issued under the seal of the company, in the form and manner that shall be designated by the by-laws of the company, which shall designate the mode of transfer. Certificates of stock to be issued.

Sec. 12. *Be it further enacted*, That two thousand shares of the stock in said company, may be taken and shall be reserved for the State of Kentucky, and two thousand shares may be taken and shall be reserved for the State of Indiana, and two thousand shares may be taken and shall be reserved for the city of Louisville: *Provided, however*, that the said States and city, or either of them, authorize any person or persons to make the subscription for the said stock, or any part thereof, within fifteen months from the passage of this act; and in case either of said States, or the city of Louisville, become shareholders in said company, the shares held by them respectively, may be voted on at elections or other meetings, by the authorized agent or agents designated by all or either of said States or city, in the same manner as the shares held by individuals, as designated in this act; and in case the mayor and council men of the city of Louisville should take the said two thousand or any less number of shares in said company, they are hereby authorized to raise the necessary amount of money by a loan on the credit of the city, and a pledge of the stock so subscribed and taken by them. Reservations of stock.

Sec. 13. *Be it further enacted*, That this act of incorporation shall go into effect so soon after the passage Indiana to give consent

1829.

to said bridge  
before erection

thereof, as it shall receive the ratification of the Legislature of the State of Indiana, and shall cease to have effect, if the stock shall not be taken to the extent of two thousand shares within five years, and the bridge be completed so far as to be passable within ten years.

Company to  
be liable for  
injuries to  
boats, &c.

Sec. 14. *Be it further enacted*, That the said company shall be held liable and responsible, by an appropriate action, for all injuries sustained by vessels or boats, rafts of plank, timber or other lumber passing up or down said river, in consequence of the construction of said bridge, unless the injuries are sustained by negligence, or want of competent skill of those on board said vessels, or boats or rafts.

Bridge to be  
abated if inju-  
rious to navi-  
gation.

Sec. 15. *Be it further enacted*, That should said bridge, either in its progress or after its construction, prove injurious to the navigation of the Ohio river, the Commonwealth shall have a right, by legislative act, to have the same presented, and may prescribe by law, the mode in which proceedings for that purpose may be had, and before what tribunal, and to add such conditions to the charter of the company, as may to the Legislature appear necessary further to secure the navigation of said river from injury, from the further erection and continuance of said bridge.

Runaway  
slaves to be  
paid for.

Sec. 16. *Be it further enacted*, That said company shall be liable to the owner for the value of all slaves who shall escape from servitude by passing said bridge from Kentucky to Indiana, without the written permit of the owner or agent.

Property of  
company lia-  
ble for cost of  
abating said  
bridge.

Sec. 17. *Be it further enacted*, That whenever it shall be deemed necessary, in conformity with the provisions of this act, to abate the bridge aforesaid, or any part thereof, all the materials of said bridge, whether actually put together in the bridge or collected in the vicinity, shall be held liable for the expense of such abatement, and are to be so considered and treated by the person or persons who may be appointed to abate the works; and if such materials shall not be sufficient to pay the expense of the abatement, then so much of the stock subscribed in said company, as shall not, at the time of instituting the proceedings for abating the bridge, have been paid over to the proper officers of the company, and also so much of the stock as may then have been paid over, but shall then be in the hands of the company unpledged for the payment of work then actually done, or of materials then actually delivered, and all other funds of said company, shall be liable for said expense; and it shall be the duty of the court in

which proceedings for abating the bridge may be had, to enter such order, judgment or decree, as may be necessary to give full effect to the provisions of this section.

1829.

Sec. 18. *Be it further enacted*, That in case of any damage to boats or other vessels, rafts of plank, timber or other lumber, ascending or descending the Ohio river, happening by reason of the striking of such boat or other vessel, rafts of plank, timber or other lumber, against the bridge or any arch, pier or abutment thereof; all persons who are at the time of such damage, stockholders in said company, shall be liable in their individual capacity to compensate such damage: *Provided*, that the said company may, at their own expense, employ and furnish pilots for directing boats or other vessels, rafts of plank, timber or other lumber, through the bridge; and if any person navigating a boat or other vessel, rafts of plank, timber or other lumber, shall refuse the aid of a pilot to be furnished by the company, then such boat or other vessel, rafts of plank, timber or other lumber, shall be considered as passing the bridge at the risk of the owners or navigators thereof, and the stockholders shall, in no such case, be liable as aforesaid for any damage which may happen; but should any unusual delay occur to any boat or vessel, rafts of plank, timber or other lumber, ascending or descending, in consequence of the company having no pilot ready to direct it, upon its arrival at the usual place of receiving pilots, then the treasurer shall forthwith pay to the owner or principal agent, navigating such boat or other vessel, rafts of plank, timber or other lumber, the additional expense incurred by reason of such delay, which may be recovered from the treasurer by warrant before a justice of the peace of the county of Jefferson: *Provided, however*, that nothing in this section contained, shall be so construed as to prevent any person who may be injured by reason of the erection of the bridge, from maintaining any action against the corporation hereby created, which he might maintain if this section had not been adopted, and with the same effect.

Stockholders  
to be liable in  
their individual  
property.

Provide

Sec. 19. *Be it further enacted*, That it shall be a sufficient service of process on the corporation hereby created, to execute a summons on the president or a majority of the directors of said company, residing in that State in which suit is commenced, and process so executed, shall authorize judgment by default against the corporation at the first term, as in other cases, in the

Process how  
served on com-  
pany.

1829.

event no appearance shall be entered or plea filed. *Provided*, the fines and penalties imposed by this act, shall be subject to the power of the Legislature of this State, to alter, change or modify at pleasure.

Company to remove all drift which may lodge against said bridge.

Sec. 20. *Be it further enacted*, That it shall be the constant duty of the said bridge company, from time to time, to remove all timber or drift of any description which may lodge against any of the piers of said bridge, and if they fail herein, they shall be liable to a fine of ten dollars for every twenty-four hours it is suffered to remain, after allowing a reasonable time to remove the same, to be recoverable by indictment or presentment in the Jefferson circuit court, and shall moreover be liable to any person sustaining any injury.

Consent of Congress required.

Sec. 21. *Be it further enacted*, That the consent of the Congress of the United States, to the provisions of this act, shall be obtained before the said corporation shall commence the erection of the bridge herein contemplated.

Limitation.

Sec. 22. *Be it further enacted*, That in case the bridge herein permitted to be built, shall not have been begun within four years after the passage of this act, and completed within eight years, then all the privileges herein granted shall cease and determine.

[Approved, January 29, 1829.]

CHAP. 169.—AN ACT providing a remedy against bail in civil actions.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any person shall hereafter be held to bail in any civil action, according to the laws now in force, the undertaking of the bail shall be, that the defendant or defendants shall not remove his, her, or their effects out of this Commonwealth until the plaintiff's judgment, if one shall be recovered, is discharged.

On a return of "no property found," on any *fire facias* directed to the proper county, it shall be lawful for the plaintiff to cause a *scire facias* to issue against the bail, suggesting that the defendants have removed his, her, or their effects out of this Commonwealth; and should the bail not answer to the *scire facias* upon due execution thereof, or should it appear to the satisfaction of the court upon issue joined, that the defendant or defendants hath removed his, her, or their effects out of this State, after

the undertaking of such bail, and that the plaintiff's judgment remains unsatisfied, judgment of execution shall be awarded against the bail for the amount of the original judgment, or so much thereof as may remain undischarged.

1829.

Sec. 3. *Be it further enacted*, That a return of "not found" upon two writs of *scire facias* directed to the proper county, shall be considered a due execution of the *scire facias* authorized by this act.

A return of not found, when sufficient for this act.

Sec. 4. *Be it further enacted*, That upon the trial of any *scire facias* herein directed to issue, the defendant or defendants shall be allowed to plead and prove that the defendant or defendants in the original action, was insolvent at the time said bail was given; and if that fact be proven, it shall be adjudged a good defence.

Pleadings of defendant on a *scire facias*.

[Approved, January 20, 1829.]

CHAP. 170.—An ACT for the appropriation of Money.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following sums of money shall be and the same are hereby allowed, to the persons hereinafter mentioned, payable out of any money in the Treasury not otherwise appropriated, viz:

Sums allowed to persons hereinafter named.

To the Speakers of the Senate and House of Representatives, four dollars per day each.

To the Clerks of the Senate and House of Representatives, sixty dollars per week each.

To the Sergeant at Arms of the Senate and House of Representatives, twenty-one dollars per week each.

Sergeants at arms.

To the Door-keepers of the Senate and House of Representatives, twenty-one dollars per week each.

Door keepers

To the Assistant Clerks of the Senate and House of Representatives, thirty dollars per week each.

Assistant cl'ks

To Littleberry Batchelor, for furnishing water, making fire, &c. for the Senate, during the present session, six dollars per week.

L. Batchelor

To Henry Wingate, for rendering the same services to the House of Representatives, six dollars per week.

H. Wingate.

To William Wood, for stationary furnished the Senate and House of Representatives, during the present session, one hundred and seventy-two dollars seventy-four cents, as per account rendered.

W. Wood.

To Jacob H. Holeman, Public Printer, the sum of twenty-four hundred and twelve dollars and eighty-se-

J. H. Holeman

1829.

ven and a half cents, in full for his services as Public Printer up to the 26th day of January, one thousand eight hundred and twenty-nine.

Amos Kendall  
& Co.

To Amos Kendall & Co. the sum of twelve hundred dollars, in advance for their services as Public Printers for the ensuing year, 1829.

W. Wood and  
A. C. Keenon

To William Wood and A. C. Keenon, for binding two thousand copies of the Acts of the present General Assembly three hundred dollars each; also, sixty-two dollars and fifty cents, for binding two hundred and fifty copies of the Journals of the present session; one half of which sum shall be paid in advance, and the balance upon their producing to the Auditor, the Secretary's certificate of the delivery in his office of the number of copies hereby authorised to be bound: *Provided*, that if the full number of copies allowed to be bound as aforesaid, shall not be furnished the Secretary, a deduction at the rate of thirty-three and a third cents, for each copy of the Acts, and fifty cents for each copy of the Journals, so wanting, shall be made.

Proviso.

Quarter Master  
General.

To the Quartermaster General for powder and wadding for the national salute fired on the 8th of January, thirty-four dollars six two cents, as per account rendered.

Books for extra  
services.

To the Clerks of the Senate and House of Representatives, forty dollars each, for four days services after the end of the session, in preparing the Acts for publication, completing the Journals and arranging the papers.

Lunatic Asylum.

To the Commissioners of the Lunatic Asylum, at Lexington, for the support of the Lunatics in the Asylum for the year one thousand eight hundred and twenty-nine, six thousand two hundred dollars.

S. Payne

To Samuel Payne, for fifty cords of wood furnished the House of Representatives, one hundred dollars.

G. E. Russell

To Gervas E. Russell, for stationery furnished the House of Representatives for the present session, one hundred and thirty-two dollars, as per account rendered.

Roger Devine

To Roger Devine, for contracting for, and attending to the delivery and packing away of fifty cords of wood, twenty five dollars.

Morrison and  
Taylor.

To Morrison and Taylor, for merchandize furnished for the use of the Representative Chamber, twenty-one dollars and twenty-eight cents, as per account rendered.

M. B. Chinn

To Morgan B. Chinn, for a poplar press for the use of the House of Representatives, as per account rendered, fifteen dollars.



To A. C. Keenon, for stationary furnished the Clerk of the House of Representatives, per account. rendered, ten dollars twelve and a half cents. 1829.

A. C. Keenon  
Transylvania  
Committee.

To James Allen and David Gibson, the Committee of the Senate to visit Transylvania University and the Lunatic Asylum at Lexington, for their expenses in performing said duty, six dollars each.

To the Committee for examining the Deaf and Dumb Asylum at Danville, ten dollars each.

Deaf & Dumb  
Asylum Com-  
mittee.

To James Wight for the use of the Methodist Church, and for repairs of the same, in which the House of Representatives sit, one hundred and twenty-five dollars.

James Wight

To Braxton, (a man of colour,) for making fires and bringing water, for the use of the House of Representatives, ten dollars.

To Reuben, (a man of colour,) for similar services to the Senate, ten dollars.

To John Snyder for his services as a runner to the House of Representatives during the present session, to be placed in the hands of Col. James Davidson for his education and support, five dollars per week.

John Snyder

To Charles Hutcheson for repairing furniture, and furnishing new furniture for the Government House, as per account, one hundred and forty-four dollars and fifty cents.

C. Hutcheson

To Harry Mordecai, for repairs to Senate Chamber and Hall of the House of Representatives, as per account, fifteen dollars and fifty cents.

H. Mordecai

To William Gorham, for repairs to the Government House as per account, twenty-eight dollars.

To William A. Gorham, for summoning the Clerk of Estill county court, by order of the Senate, as Deputy Sergeant at Arms, as per certificate of the Clerk of the Senate, fifteen dollars.

W. A. Gorham

To John W. Hunt, R. Higgins, Joseph Logan and R. Ashton, Commissioners to erect three permanent walls to enclose a yard around the Lunatic Asylum, for the exercise of the patients, one thousand two hundred dollars.

Commissioners  
of Lunatic As-  
ylum.

To John W. Hunt, R. Higgins and Joseph Logan, to erect an additional wing to said Asylum, to contain fifteen or twenty rooms, for the accommodation of patients, three thousand five hundred dollars.

Same to build  
another wing

To Nathaniel Reynolds, for keeping Mary Reynolds, an idiot, fifteen years, as per account, fifty dollars.

N. Reynolds

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J. M'Kinney jr

To James M'Kinney, jr. for services as Commissioner for removing the obstructions in Pond river, as per account, sixty dollars.

John Vickers

To John Vickers, for services in same business, as per account, thirty dollars.

W. Woodson

To William Woodson, for keeping Sally Woodson, a lunatic, by order of the Pulaski circuit court, three months and eight days, at the rate of fifty dollars per year, thirteen dollars and ninety-four cents.

To commissioners for repairing & furnishing Governor's house

Sec. 2. *Be it further enacted*, That the sum of fifteen hundred dollars be appropriated for the purpose of repairing, fitting up and furnishing the Government House, and that Thomas S. Page, Henry Wingate and Lewis Sanders be appointed Commissioners to superintend the same, and are hereby vested with full power and authority to draw on the Treasury in favor of individuals who have or may hereafter perform repairs to, or provide furniture for said House: *Provided*, the total amount drawn by them shall not exceed the sum of fifteen hundred dollars.

Auditor to settle J. H. Holeman's account for finishing Journals.

Sec. 3. *Be it further enacted*, That the Auditor of public accounts be, and he is hereby authorised to audit and settle the accounts of Jacob H. Holeman for printing the balance of the Senate Journal for 1828, from page 224, and the Journal of the House of Representatives for 1828, from page 312, according to the price which has heretofore been allowed by law: *Provided*, that the said Holeman shall produce to the Auditor the certificate of the Secretary of State, that the said Journals have been delivered into his office.

J. Shannon

To James Shannon, as per account rendered, four dollars.

W. Wood

To William Wood, as per account rendered, fourteen dollars and eighty-five cents.

A. Crockett.

To Anthony Crockett, for eighty-nine loads of wood, as per account, eighty-nine dollars.

Joe

To Joe, (a man of colour,) as per account rendered, ten dollars.

R. Clarke

To Robert Clarke, Clerk of the county court of Estill, for attending on the committee of the Senate on the contested election of Mason and Williams, with the poll book of Estill, by order of that House, fifteen dollars.

F. B. Trimble

To Frederick B. Trimble, for bringing, by order of the commissioners, the book of depositions, poll book, &c. in the contested election from Montgomery and Estill to the office of the Secretary of State, ten dollars.

To Wight and Robson, as per account rendered,  
eighteen dollars and three cents.

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[Approved, January 29, 1829.]

CHAP. 171.—An ACT amending the law concerning the road from  
Licking river to the mouth of Big Sandy.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the circuit court of Greenup, to cause a summons to issue against the personal representatives of Charles N. Lewis, and against the personal representatives of John Jouitt, and against Thomas Moseley, to appear and show cause why the privilege of keeping a toll gate on the road leading from the late John M'Intire's former residence, at the crossing of Licking river to the mouth of Big Sandy, shall not be annulled, because of the neglect and failure of the personal representatives of Charles N. Lewis, and of the personal representatives of John Jouitt, and Thomas Moseley, assignees of the personal representatives of Charles N. Lewis, to keep said road in good repair, agreeably to the contract of said Lewis with the Commonwealth; and the circuit court of Greenup, is hereby authorized to take jurisdiction of the case on the application of any person responsible for costs, and shall require a declaration to be filed against said persons in the name of the Commonwealth, by the persons on whose application such summons shall be issued, alleging the grounds on which the privilege should be annulled; to which the defendants may plead not guilty, and give any special matter in evidence, and the cause shall be tried by a jury as in other cases; and should the finding be in favor of the Commonwealth, the court shall render judgment, annulling the privilege of keeping a toll gate on said road; after which the county courts of Greenup and Fleming, shall have the like jurisdiction of the part of said road in their respective counties, as of other roads passing through their counties, and they may lay off said road into precincts, and appoint an overseer and allot hands to each precinct.

Summons to issue against Moseley & the representatives of Lewis and Jouitt, to show cause, &c.

Circuit court of Greenup to take jurisdiction.

Defendants may plead the general issue.

Privilege may be annulled.

County court may lay off road in precincts.

SEC. 2. *Be it further enacted,* That should said privilege of keeping a toll gate on said road be annulled, under the provisions of the first section of this act, then the commissioners hereafter appointed, shall have power and authority to cause one toll gate to be erected on said road, in Greenup county, where the said Lewis

Commissioners may keep up a toll gate.

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Tolls to be applied to erection of bridges, &c.

had the privilege of a toll gate, and to appoint a toll gatherer at the same, with authority to ask, demand and receive the like tolls as Charles N. Lewis was authorized to demand at the gate on said road; which tolls shall be applied to the erection of permanent bridges across the water courses, and to turnpiking of the deep and miry places on said road, under the authority and control of the commissioners, until otherwise directed by law.

[Approved, January 29, 1829.]

CHAP. 172.—An ACT to regulate the Turnpike and Wilderness Road, and to establish the Floyd and Pike county line.

Sixth section of former act repealed.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the sixth section of an act entitled, "an act concerning the Turnpike and wilderness road," as provides that the surveyor and general superintendent shall hold his office during good behaviour, be, and the same is hereby repealed.

Governor to appoint a surveyor, &c. annually.

Sec. 2. *Be it further enacted*, That there shall be appointed yearly by the Governor, a surveyor and general superintendent of the turnpike and wilderness road, to hold his office for one year, and until a successor be appointed, unless sooner dismissed by the Governor, with full power and authority to do and perform all the duties now required by the above cited act.

Surveyor may change the road by Champ Mullins, and allow compensation.

Sec. 3. *Be it further enacted*, That the said surveyor or shall have full power and authority to alter that branch of said road which passes through Madison county, so as to pass along the trace opened by Champ Mullins, at or near the big hill in said county; and also to allow and pay the said Mullins a reasonable compensation for his labor in opening the same: *Provided*, said allowance does not exceed the sum of twenty dollars.

One half of certain tolls to be specially applied.

Sec. 4. *Be it further enacted*, That one half of the money arising from salt packers and wagoners, who may hereafter pass through the gate on the turnpike and wilderness road, shall be appropriated exclusively on the said road, from Cumberland gap to Jeffery Champlins, where the Goose creek salt works road leaves said turnpike road; the other half agreeable to the present existing law.

And whereas a mistake was made in an act which passed at the present session of the General Assembly entitled, "an act to establish the Floyd and Pike county line:" Therefore, 1820.  
Floyd & Pike  
county line.

Sec. b. *Be it enacted*, That the aforesaid act of Assembly be, and the same is hereby repealed.

Sec. 6. *Be it further enacted*, That John Bevins of Pike county, and Thomas Johns of Floyd county, be, and they are hereby appointed commissioners, with full power and authority to run, mark, and establish the said dividing line between the counties of Pike and Floyd agreeably to the act of Assembly establishing the county of Pike, and for that purpose they may appoint a surveyor and chain carriers, and provide whatever else may be necessary to a performance of the said work; and they shall make a joint report of their proceedings in duplicate, one copy of which shall be presented to each of the respective county courts of Floyd and Pike counties, stating therein the most prominent creeks which the said line may cross, and at what point, and every other thing calculated to give perpetual notoriety to said line; and accompanying the report shall also be forwarded a bill of the expenses attending the running of said line, including one dollar per day for each of the said commissioners for the time they were actually employed in the said business, which is hereby allowed them; and the said county courts, respectively, shall cause the report, so made out, to be recorded in the county court order book, and the line so run and marked, shall be the permanent boundary line between the two counties; and the county courts, respectively, shall proceed to levy each one half the amount of the expenses incurred in running said line, unless there shall be a sufficient depositum in the hands of the sheriff to pay the same, and in that case such court shall order the sheriff to pay the same, which shall be paid to the persons entitled thereto in pursuance of the agreement of the said commissioners and for their services rendered.

To make report of their proceedings.

Allowance to commissioners.

The line so marked to be the permanent line.

[Approved, January 29, 1820.]

CHAP. 172.—An ACT to establish an additional election precinct in Owen county.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Owen, included within the following bounda- Precinct in  
Owen county.

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ry, to wit: Beginning at the mouth of Savern creek, and running up the Heslersville road to Steel's road; thence up Steel's road to the Scott county line; thence with said line to the Franklin county line; thence with said line to the Kentucky river; thence down said river to the beginning; shall be and the same is hereby formed into an election precinct in said county of Owen, which shall be called and known by the name of the Cedar creek precinct.

Where polls to be held at elections and what officers to attend.

Sec. 2. That the qualified voters within said precinct, shall meet at the house of John Spiers, to vote at all elections; and it shall be the duty of the county court of Owen county, from time to time, to appoint judges and a clerk to attend the elections in said precinct, in like manner as the law now directs in similar cases, and on failure thereof, the sheriff shall appoint suitable persons to perform the duties. The sheriff, clerk and judges shall be entitled to the same allowance for their services, to be paid in like manner, and subject to the same penalties as is directed by law in similar cases; and the sheriff shall be governed, in comparing the polls, by the law regulating elections; *Provided, however*, that nothing in this act shall be so construed as to prevent the qualified voters in said precinct from voting at the court-house in said county.

[Approved, January 29, 1829.]

CHAP. 174 — An ACT to authorise the Trustees of Taylorsville to sell an alley, and to enable the Trustees of Springfield to improve the streets and alleys therein.

Trustees of Taylorsville may sell an alley.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Taylorsville, in Spencer county, be, and they are hereby authorised to sell and convey by deed, in fee simple, all that piece of ground in said town, which was laid off by the trustees thereof, and is now kept open as an alley, between lots number 107, 108, 109 and 110, on one side, and lots number 120, 121, 122 and 123, on the other side; and such conveyance, thus made, shall pass a good title to the purchaser.

Trustees of Springfield, may cause footways to be made therein.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the trustees of the town of Springfield, to cause footways to be made in front of any lots on main-street, or on such other streets as to them may seem needful, and under the same rules and regulations as are pro-

vided for in "an act to extend and enlarge the powers of the trustees of said town," approved the day of 1829.

Sec. 3. *Be it further enacted*, That hereafter it shall be lawful for the trustees of said town, to appoint an overseer, or overseers, to work the steets and alleys in said town. Such overseer or overseers, when so appointed, shall be subject to the same penalties as though they had been appointed by the county court of Washington county. May appoint overseers to work the streets.

Sec. 4. *Be it further enacted*, That the trustees of said town shall have power, hereafter, to levy a tax on each road titheable residing in said town, not exceeding two dollars each per annum, for the purpose of working the streets and alleys in said town. Each person, so taxed for the purpose aforesaid, shall have the right to pay his or her road tax, by labor, at the rate of fifty cents per day. Citizens may pay tax in labor.

Sec. 5. *Be it further enacted*, That the overseer or overseers of the streets and alleys in said town, shall advertise at one or more places in said town, the time he or they intend working on the streets, at least three days previous thereto; and each and every titheable who shall work on the streets in said town, shall be entitled to receive from said overseer, a certificate therefor, and the town collector shall receive the same in part discharge of such person's road or town tax. Overseer to advertise.

Sec. 6. *Be it further enacted*, That the overseer or overseers be allowed the sum of one dollar per day for each day he or they may be engaged in working on, or overseeing the hands at work on the streets and alleys in said town; all wagons or carts employed in hauling stone or timber, and all timber or stone purchased for necessary repairs to the streets or alleys in said town, shall be paid for as heretofore, out of the county levy of Washington county. Compensation to overseers.

[Approved, January 29, 1829.]

CHAP. 175.—An ACT for the benefit of Vincent B. Simpson.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the land office is hereby directed to receive a plat and survey made the 13th September, 1828, in the name of Vincent B. Simpson, and issue a patent thereon for twenty

1829.

acres of land. The aforesaid survey is made upon a part of a Kentucky land office warrant, No. 16,538, assigned to said Simpson, by Jeremiah Farley.

[Approved, January 29, 1829.]

CHAP. 176—An ACT to legalize the proceedings of the Logan county court.

WHEREAS it is represented to the present General Assembly, that the clerk's office in the town of Russellville is very inconveniently situated, by reason of its great distance from the court-house; and that the following order was [made] by the county court of Logan, on the 6th of October 1828, to wit: "Ordered, that Spencer Curd, Richard Bibb, jr. and Samuel H. Curd, be, and they are hereby appointed commissioners to make a contract with William I. Morton to build a new clerk's office on the public square, to have two rooms twenty feet square from out to out, with two good rooms in the garret; the said house to be one story high, and built of brick; the work to be done in a good plain workman like manner, and the court agree to give said Morton the present clerk's office and ground attached thereto, and levy two hundred dollars." Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said commissioners be, and they are hereby authorised to make said contract, and convey the present clerk's office and ground attached thereto, unto the said Morton, when he shall have completed the said office according to contract, and the same been received by the said commissioners.

Sec. 2. *Be it further enacted*, That the said court be, and they are hereby authorised to levy any further sum that may be necessary to complete the said building.

[Approved, January 5, 1829.]

CHAP. 177—An ACT to alter the time of holding the Hart county court.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Hart county court shall hereafter be held on the second Monday in each month, except those months in which the circuit courts for said county are holden.

[Approved, January 5, 1829.]



CHAP. 178.—An ACT to regulate Lawrenceburg.

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SES. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the free white male citizens of the town of Lawrenceburg, over the age of twenty-one years, and the owners of lots within said town, to meet at the courthouse in said town on the first Monday in March, one thousand eight hundred and twenty-nine, and on that day in every year thereafter, and shall elect seven trustees for said town, who shall hold their offices for one year, and until their successors are duly elected and qualified: *Provided*, that no person shall be entitled to vote at any of said elections, unless he is an actual citizen of said town, and unless he has paid his town tax for the preceding year, if a tax was assessed against him, nor shall any person be voted for as a trustee, unless he is resident of said town, and has paid his town tax for the preceding year, if one was assessed against him.

Qualified voters to elect trustees on first Monday in March.

Proviso.

Sec. 2. *Be it further enacted*, That the board of trustees of said town, for the time being, shall cause at least ten days notice of the time and place of holding said elections to be given by advertisement at the courthouse door, and at two of the most public places in said town, and they shall appoint two of their own body to preside and conduct such elections; and the persons so appointed and conducting said election, shall cause this act to be read to the citizens attending, immediately preceding each election; and when all the citizens shall have voted who are entitled to vote and applying therefor, they shall certify under their hands the seven persons voted for who have the highest number of votes, who shall be trustees of said town; but if two or more persons have an equal number of votes, so that neither of them shall have a plurality, the trustees in office, jointly, shall give the casting vote.

Made of conducting the election.

SÉC. 3. *Be it further enacted*, That the said trustees may appoint a clerk, who shall take charge of the books, records and papers of the board and safely keep the same; and he shall keep a fair record of all the by-laws and proceedings of the trustees, and shall publish such of their by-laws and ordinances as they may direct.

Clerk to be appointed by trustees.

Sec. 4. *Be it further enacted*, That the said trustees and their successors in office, shall have power to levy and collect a poll tax on the free male citizens of said town over twenty-one years of age, not

Trustees to assess a tax.

1829.

Proceeds how  
applied.

An assessor to  
be appointed &  
his duties.

exceeding one dollar in any one year; and in addition to that they may assess an *ad valorem* tax on town lots and improvements, stores and slaves, not exceeding ten cents on each hundred dollars of the value thereof, to be appropriated in keeping the streets and alleys of said town in repair, for sinking wells and keeping the same in repair, and for any other useful purposes benefiting the town. And to enable said trustees to carry this section into effect, they may appoint one assessor, whose duty it shall be to list the citizens subject to tax as aforesaid, and to assess the value of all property subject to taxation, as herein provided, and make return thereof in such time as the trustees, or a majority, shall prescribe; for which service the said assessor shall be allowed a reasonable compensation, to be fixed by the board; and if said assessor shall fail or refuse to perform the duties herein prescribed, within the time limited, after undertaking the same, without a reasonable excuse, he shall be fined in the sum of ten dollars and costs, recoverable before a justice of the peace, in the name of the trustees.

A collector to  
be appointed &  
his duties.

Sec. 5. The said trustees shall appoint a town collector, who, before he enters upon the duties of his office, shall give bond and security for the faithful performance of the trust reposed in him. It shall be his duty to collect, as far as practicable, all taxes and fines that may be assessed by the board of trustees, and render a faithful account of the same, and pay the money arising thereon to the order of the trustees. He shall give to the trustees timely notice of all breaches of this law, and of the town laws and ordinances, that may come to his knowledge; he shall cause all nuisances in the town or any of the streets and alleys, to be removed, and in all other respects obey the orders and directions of said trustees, relating to his official duties; and on failure, without a reasonable excuse, shall be fined for each offence in any sum not exceeding three dollars, to be recovered and appropriated as aforesaid; and for his services he shall be allowed a reasonable compensation, payable out of the town fund.

Trustees may  
cause side  
pavements to  
be made on  
streets.

Sec. 6. They shall have power to compel the owner or owners of a lot or lots lying on Madison street, and other streets and alleys of said town, to cause the front or sidewalk of their lot or lots to be well paved with brick, of such width as may be proper, and to kirk and post the same as may be prescribed; and if any person, being the owner of such lot, shall fail or refuse, after reasonable notice, to cause pavements to be made with

Hirbs and posts as said trustees may direct, they shall cause the same to be done at the expense of the owner or owners thereof; and if any such proprietor or proprietors shall fail or refuse to pay such expense or charge, on demand, the same may be recovered with costs as aforesaid.

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Sec. 7. They shall have the same power over slaves and tipping houses, racing or running in said town, as justices of the peace now have by law; and they shall have power to pass and enforce all such by-laws and ordinances for the better regulation of said town, its streets and alleys, for keeping the same in repair and for removing nuisances therefrom, and preventing injuries, as is consistent with this act and not derogatory to the general law.

Shall have magistrate's jurisdiction over tipping houses &c.

Sec. 8. The said trustees and their successors in office, shall have power, by and with the consent of the proprietor or proprietors of any lot or lots at the north or south end of Madison street, to curtail the limits or boundary of the town at either of those points, provided that such consent shall be in writing; which writing and curtailment, if any shall be made, shall be recorded by them, and thenceforth the limits of the town thus defined, shall govern that or any future board of trustees.

May curtail boundary of the town, &c.

Sec. 9. The said trustees and their successors in office, shall have power, by purchase or gift from the proprietors of the adjacent land, to acquire titles for the purpose of enlarging the town, and they may lay off the same into lots, streets and alleys, as they may deem proper; they may sell and convey lots, and when the town shall have been thus extended, they shall have the same power and jurisdiction over such additions as they have over any other part of said town.

May enlarge limits of the town

Sec. 10. The said trustees may receive any gift or grant of land in said town whereon to erect a market-house; and when the funds of the town raised by taxation, the collection of fines or by subscription, will authorise them, said trustees may purchase a lot not exceeding one half acre in said town, and may erect a market-house thereon, which, when erected, shall be the public market-house, and it shall be regulated by such rules and ordinances as the trustees, for the time being, shall adopt; and if said trustees shall be unable to procure a lot suitable for that purpose, they, by and with the consent of the county court of Anderson, a majority of all the justices being present and concurring, erect a market-house on the public square, or on

May erect a market-house.

1829.

May present  
offenders to  
grand jury.

any of the streets or alleys, under such restrictions and limitations as said court may prescribe.

Sec. 11. It shall be the duty of said trustees, to cause to be presented before the grand jury of Anderson county, all offences which may be committed within said town, a punishment for which is not provided for by this act, or by the general law regulating towns in this Commonwealth.

May fill va-  
cancies in their  
own body.

Sec. 12. The said trustees and their successors shall fill all vacancies which may occur in their board, by refusal to qualify, resignation, removal or death; and if at any time they shall fail or refuse to fill such vacancy, it shall be filled by the Anderson county court; and if at any time the citizens of said town shall fail to elect trustees as herein required, the said court shall appoint them.

Trustees and  
officers of town  
to take an oath  
of office.

Sec. 13. Said trustees and their successors, the assessors, clerk and collectors which may be appointed under this act, shall, before they enter upon the discharge of their respective duties, severally take an oath faithfully and honestly to discharge the trust reposed in them by law, to the best of their skill and abilities.

Manner of col-  
lecting town  
tax.

Sec. 14. *Be it further enacted,* That if any person or persons subject to taxation in said town, shall fail or refuse to pay their poll and *ad valorem* taxes, or either of them, by the time limited by the trustees for payment, the tax due against any such delinquent shall be placed in the hands of the sheriff of said county, who shall forthwith proceed to collect the same in the manner prescribed by law for the collection of the county levy and state revenue, for which the sheriff shall be allowed the same per centum for collection: *Provided,* that

Lots sold for  
taxes may be  
redeemed.

any lot or lots sold under this act for taxes, may be redeemed by the proprietor or proprietors thereof at any time within five years, by paying to the purchaser the purchase money with ten per centum per annum thereon; and for the better recovery of all fines and forfeitures accruing under this act, and under any by-laws or ordinances upon which a judgment is rendered by a justice of the peace, a *fire facias* may issue, or on the application of the said trustees, in writing, for that purpose, the justice rendering judgment shall issue a *capias pro fine*; which executions, or either of them, shall be executed by any constable of said county, and the constable shall be entitled to his fees as in other cases of that kind: *Provided,* nothing in this section shall be so construed as to authorize the justice to issue a *capias pro fine* upon a judgment, unless the same was rendered for misbehaviour.

Capias pro fine  
to issue.

Provide.

[Approved, January 5, 1829.]

CHAP. 179 —An ACT to authorise John Grider and Timothy Burgess, of Russell county, to erect gates across the public highway, and for other purposes.

1829.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Grider be, and is hereby authorised to erect two gates across the road leading from Creelsborough, Russell county, to Stockton's valley, nine feet wide each, and hung so that they will be easily opened.

John Grider may erect gates across a certain road.

Sec. 2. *Be it further enacted,* That after said gates are erected, it shall not be lawful for any person to leave said gates, or either of them, open, under the penalty of one dollar, if a freeman, recoverable before a justice of the peace for said county of Russell; and if a minor, then and in that case the said penalty to be paid by his or her parent or guardian; and if a slave, to receive ten lashes by order of a justice of the peace: *Provided,* said gates shall have been in good repair at the time they shall have been left open, and shall have been erected on the low grounds of Cumberland river: *And provided further,* that the owner or possessor of any slave may discharge him from the lashes, ordered by a justice under the provisions of this section, on paying a fine of one dollar and the costs of prosecution.

Penalty for leaving gate open.

Proviso.

Further proviso.

Sec. 3. *Be it further enacted,* That Timothy Burgess, of said county, be and he is hereby authorised to erect two gates across the road leading from the mouth of Beaver creek to Wayne court-house, on the low grounds of Cumberland river, to be governed by the same rules, regulations and provisions as are contained in the preceding sections of this act.

Timothy Burgess allowed same privilege.

Sec. 4. *Be it further enacted,* That the county court of Russell county, are hereby authorised to grant leave for erecting gates across any public highway of said county, subject to the same rules, regulations, restrictions and provisions as are contained in the preceding sections of this act: *Provided,* the said county court shall not be authorised to grant leave to build or erect any gate or gates on any part of any road, where the Cumberland river does not overflow the same: *And provided further,* that a majority of all the justices of said county shall concur therein.

County court of Russell county may permit the erection of gates.

Proviso.

[Approved, January 5, 1829.]

CHAP. 180 —An ACT to enlarge the powers of the Trustees of Cynthiana.

WHEREAS it is represented to this General Assembly, that there is a necessity for an additional cross street

1829.

in Hinkson's addition to the town of Cynthiana, and that the trustees of said town do not consider themselves authorised by law to open the same: For remedy whereof,

Trustees of  
Cynthiana  
may open a  
certain street  
therein.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the trustees of said town, to cause to be opened a cross street in said addition, to extend from the first to the second cross streets of said town; and at the east end of lots number one and two, and the west end of lots number five and six, in said addition, by paying the owners of the property such damages as may be assessed by a jury, in such cases made and provided.

May receive  
subscriptions  
to aid in pay-  
ing the expense

SEC. 2. *Be it further enacted*, That for the purpose of raising a fund to pay said damages, it shall and may be lawful for the said trustees to issue a subscription for the same, and the sums so subscribed, shall be collectable as like sums now are by law.

[Approved, January 5, 1829.]

CHAP. 181.—An ACT to add additional Magistrates and Constables to certain counties.

Additional jus-  
tices to Mor-  
gan and Grant

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed and commissioned according to law, two justices of the peace, one for the county of Morgan and one for the county of Grant, in addition to the number now allowed by law.

Constables to  
certain coun-  
ties.

SEC. 2. *Be it further enacted*, That there shall be allowed to the county of Morgan, one additional constable; to the county of Bath, one; to the county of Casey, one; to the county of Anderson, one, to reside in the town of Lawrenceburg; to the county of Boone, one; to the county of Muhlenberg, one, to reside near James Cruise; and the county courts of said counties shall, as soon as practicable, proceed to make such appointments agreeably to law.

Other constables  
allowed.

SEC. 3. *Be it further enacted*, That there shall be added to the county of Henry one additional constable, to reside in the neighborhood of Port-Royal; also, one additional constable to the county of Wayne, to reside in the neighborhood of William Hardin, Esq. near Canada's creek; also, one additional constable in the county of Lincoln, to reside in the vicinity of James Cook, Esq; also, one additional constable to the county of Grant, to reside in the neighborhood of Martin Draper, Esq. in said county; and the county courts

of said counties shall, as soon as possible, proceed to make such appointments agreeably to law.

1829.

Sec. 4. *Be it further enacted*, That the county court of Harlan county shall have the power of establishing an additional constable district for said county, and appoint a constable for said district, according to the provisions of the law now in force regulating the appointment of constables; and said county court shall have power, if to them it shall seem necessary, to extend the bounds of the constable's district including the town of Mount Pleasant, so as to include the residence of Hiram Jones and Henry Morris.

Sec. 5. *Be it further enacted*, That there shall be two additional justices of the peace added to the county of Muhlenberg; two to the county of M'Cracken; and one to the county of Hickman, in addition to the number now allowed by law.

[Approved, January 29, 1829.]

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CHAP. 182.—AN ACT to change the place of holding elections in the south precinct in Washington county.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the elections held in the south precinct in Washington county, shall be held at the house of James Glazebrooks, instead of the place now directed by law.

Sec. 2. *Be it further enacted*, That hereafter the two election precincts in the county of Washington, held at the house of Stephen Lee, and the other held in the town of Maxwell, at the house of Ambrose M. Clark, shall constitute only one precinct, and elections shall be held therein at the house of Thomas Yocum.

[NOTE.—This act passed both houses of the Legislature at their session of 1827-8, and became a law by the failure of the Governor to return it with objections within three days after the commencement of the late session of the Legislature.]

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CHAP. 183.—AN ACT to change the name of Nancy D. Ray, to Nancy R. Davis.

WHEREAS it is represented to this General Assembly, that William Davis, of Calloway county, hath taken into his family and adopted as his child, Nancy D. Ray, an infant of six years old, with an intention to raise, educate and provide for her, and desires that her name shall be changed to Nancy R. Davis:

1829.

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the said infant shall hereafter bear the name of Nancy R. Davis, and shall be so called and known.

[Approved, December 18, 1828.]

CHAP. 124. An ACT for the benefit of the widow and heirs of John Hackworth, deceased.

*Preamble.*

WHEREAS, some years since, John Hackworth departed this life intestate, leaving part of his heirs of age and part under age; that Polly Hackworth and John Hatcher administered on his estate, and that said estate is not sufficient to pay off the debts due from said Hackworth, without the sale of his land, which was about two hundred and eighty-four acres, situate in Pike county: For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the said administratrix and administrator exhibiting their bill in the Pike circuit court, stating the facts set forth in the preamble of this bill, and making the heirs parties thereto, and upon the hearing of the cause, if the court shall be of opinion that the personal estate is not sufficient to pay off the debts due from said estate, and that it will be for the benefit of the creditors and heirs, that the land which the intestate died possessed of should be sold, and upon the heirs of full age consenting thereto, and the guardians of those under age giving their consent, to order a sale of said land, upon such credit as said court may direct, appointing a commissioner to make the sale, take bond and approved security for the purchase money, and return the same to court, and when the purchase money shall fall due, it shall be the duty of said court to appoint a receiver to receive the purchase money for said land, and to apply the same in the following order; first in the payment of debts, preferring each as the preference is directed by law, and then to distribute the residue, if there be any, to the persons who are by law now entitled to said land, according to, and in the proportion of their respective interest in said land. The court is hereby directed to take from the said receiver, before he enters upon the duties herein prescribed, a bond with good and sufficient security, to perform faithfully the duties herein enjoined.

[Approved, January 29, 1829.]



## RESOLUTIONS.

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A RESOLUTION to appoint committees to examine the Auditor's, Treasurer's and Register's offices, the Banks of Kentucky and the Commonwealth, and the Penitentiary.

*Resolved by the Senate and House of Representatives,* That a committee of three from the Senate, and six from the House of Representatives, be raised to examine and report the condition of the Auditor's office; that a committee of three from the Senate, and six from the House of Representatives, be raised to examine and report the condition of the Treasurer's office; and that three from the Senate and six from the House of Representatives, be appointed to examine and report the condition of the Register's office; that three from the Senate and six from the House of Representatives, be raised to examine and report the condition of the Bank of Kentucky; that three from the Senate and six from the House of Representatives, be appointed to examine and report the condition of the Bank of the Commonwealth; that three from the Senate, and six from the House of Representatives, be appointed to examine and report the condition of the Penitentiary.

[Approved, December 15, 1828.]

RESOLUTIONS to appoint committees to examine the Deaf and Dumb Asylum at Danville, and Transylvania University and the Lunatic Asylum at Lexington.

*Resolved by the Senate and House of Representatives,* That a committee of two from the Senate and four from the House, be appointed to examine into the state and condition of the Deaf and Dumb Asylum at Danville, that they report the result of their enquiries, &c.

*Resolved,* That a joint committee of two from the Senate and four from the House of Representatives, be appointed to visit, examine into, and report the present situation of Transylvania University, and the Lunatic Asylum at Lexington.

[Approved, December 18, 1828.]

A RESOLUTION fixing a day to elect a Senator in Congress.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That they will, on the 23d instant, proceed, by a joint vote of both branches of the General Assembly, to elect a Senator, to serve in the Congress of the United States, in the place of Richard M. Johnson, one of our present Senators, whose term of service will expire on the third day of March, 1829.

[Approved, December 18, 1828.]

A RESOLUTION fixing a day to elect public officers.

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That they will, on the 23d day of this inst. proceed, by the joint vote of both branches of the General Assembly, to elect a Trea-

## RESOLUTIONS

surer, Public Printer, President and Directors of the Bank of the Commonwealth of Kentucky, and a President and Directors to the Bank of Kentucky.

[Approved, December 18, 1828.]

**RESOLUTIONS** concerning a donation of Public Lands by Congress, for the use of Schools.

*Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky,* That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of a law by the Congress of the United States, appropriating a portion of the unappropriated lands of the United States, to this State, to be used and disposed of for the purpose of diffusing Education by the establishment of some general system of Public Schools, in this State.

*Resolved,* That the Governor of this Commonwealth is requested to cause to be transmitted to each of our Senators and Representatives in the Congress of the United States, a copy of these resolutions.

[Approved, January 26, 1829.]

**A RESOLUTION** to burn a portion of the notes of the Bank of the Commonwealth

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the President and Directors of the Bank of the Commonwealth of Kentucky, shall, on or before the third Monday in February next, in the presence of the Governor, Auditor and Treasurer, proceed to count and destroy, by burning, three hundred thousand dollars of the notes of said bank, that have been withdrawn from circulation; and that they select such of said notes, for that purpose, as have been most defaced.

[Approved, January 28, 1829.]

**A RESOLUTION** relative to running and marking the boundary line between this State and Tennessee.

WHEREAS doubts exist as to the true boundary line between this State and the State of Tennessee, whereby the citizens of this State experience great difficulty and inconvenience: Therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That his Excellency, the Governor, be requested to apply to the Executive of the State of Tennessee, to enter into arrangements to cause to be ascertained and plainly marked, the dividing line between said States, east of the Tennessee river, agreeably to the compact between the States entered into on the 2d day of February, 1820, concerning said line; and that he select and appoint the necessary surveyors and agent to act on the part of this State, with such person or persons as shall be appointed on the part of the State of Tennessee; and that in the event of the Governor of Tennessee failing to appoint such agent, then, that the Governor cause the said line to be run and ascertained by some skilful surveyor, from some known point in Walker's line, near the southeast corner of Trigg

## RESOLUTIONS.

County to the Tennessee river; and also, that part of the line joining Simpson and Allen counties, according to said compact; and to have the same plainly marked, and a plat to be returned to the Secretary's office as soon as the nature of the business will admit; and the Auditor is authorised to issue his warrant on the Treasurer for such sum as the Governor may deem necessary to cover the expenses of running and ascertaining such boundary line.

[Approved, January 29, 1829.]

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A RESOLUTION fixing a day for the election of Presidents and Directors to the Branch Banks of the Commonwealth's Bank.

*Resolved by the Senate and House of Representatives,* That they will proceed to the election of Presidents and directors of the Branch Banks of the Commonwealth's Bank, on Thursday the 29th inst.

[Approved, January 29, 1829.]

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RESOLUTION requiring the commissioners taking in lists of taxable property, to take a list of all children above four and under fifteen years of age.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the commissioners to be appointed for the purpose of taking in lists of taxable property for the present year, be required to ascertain the number of children over four and under fifteen years of age, designating the number at school in their respective counties, for the purpose of enabling the next Legislature to adopt some practicable plan in relation to the commencement of a system of general education; and that said commissioners be required to make out a fair list of the children as aforesaid, and certify the number to their respective county courts, who shall require their clerk to transmit a copy of such certificate to the Auditor of public accounts, with the commissioners' books; and that the Auditor be required to report the same to the next General Assembly, within the first week of its session.

[Approved, January 29, 1829.]

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A RESOLUTION to appoint a joint committee to examine and report the condition of the government house.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That a committee of four from the House of Representatives and two from the Senate, be raised to examine the government house and furniture thereof, and report the propriety of any improvements, or the necessity of additional furniture, and that they report by bill or otherwise.

[Approved, January 29, 1829.]

## RESOLUTIONS.

**A RESOLUTION** to procure information concerning Common Schools.

**WHEREAS** it is desirable, in the adoption of a general system of common schools, that the Legislature should have the benefit of the experience and observation of enlightened and practical men, whose minds have been devoted to the subject: 'Therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Rev. Alva Woods and the Rev. Benjamin O. Peers, be respectfully requested to communicate to the General Assembly, at its next annual session, any information which they may possess upon the subject of common schools, and which, in their opinion, would aid the Legislature in selecting and adopting the best system for the State of Kentucky.

[Approved, January 29, 1829.]

**RESOLUTIONS** to procure information concerning the navigation of certain rivers.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the board of internal improvements be requested to urge upon the consideration of the Secretary of War, the propriety of adding to the engineers now engaged in surveying the Kentucky, Licking and Green rivers, a practical building engineer, and that such engineer should make such examination of those rivers, as will enable him to report to this General Assembly, at an early day of the next session, the practicability of improving the navigation of those streams, and a plan or plans for such improvements.

*Resolved,* That the board of internal improvements endeavor to receive all the information in their power, and communicate it to the next General Assembly, and that the said board of internal improvements call the attention of such engineer or engineers, as may be deputed by the Secretary of the war department, to examine the rivers referred to in the foregoing resolution, to the effects of the bridges proposed to be erected on the Ohio river by two acts of the present session, on the navigation of that river.

[Approved, January 29, 1829]

**RESOLUTIONS** in relation to the Cumberland Hospital.

**THE** select committee to whom was referred the memorial of the Trustees of the Cumberland Hospital, have had the same under consideration, and report thereon:

That the State of Kentucky, under an impression that a hospital located at Smithland, which is situated on the Ohio, at the mouth of the Cumberland river, was an establishment which the wisdom, the policy and the humanity of the States bordering on the Ohio river required, appropriated four thousand dollars towards the erection of comfortable buildings at that place, which sum has been pro-

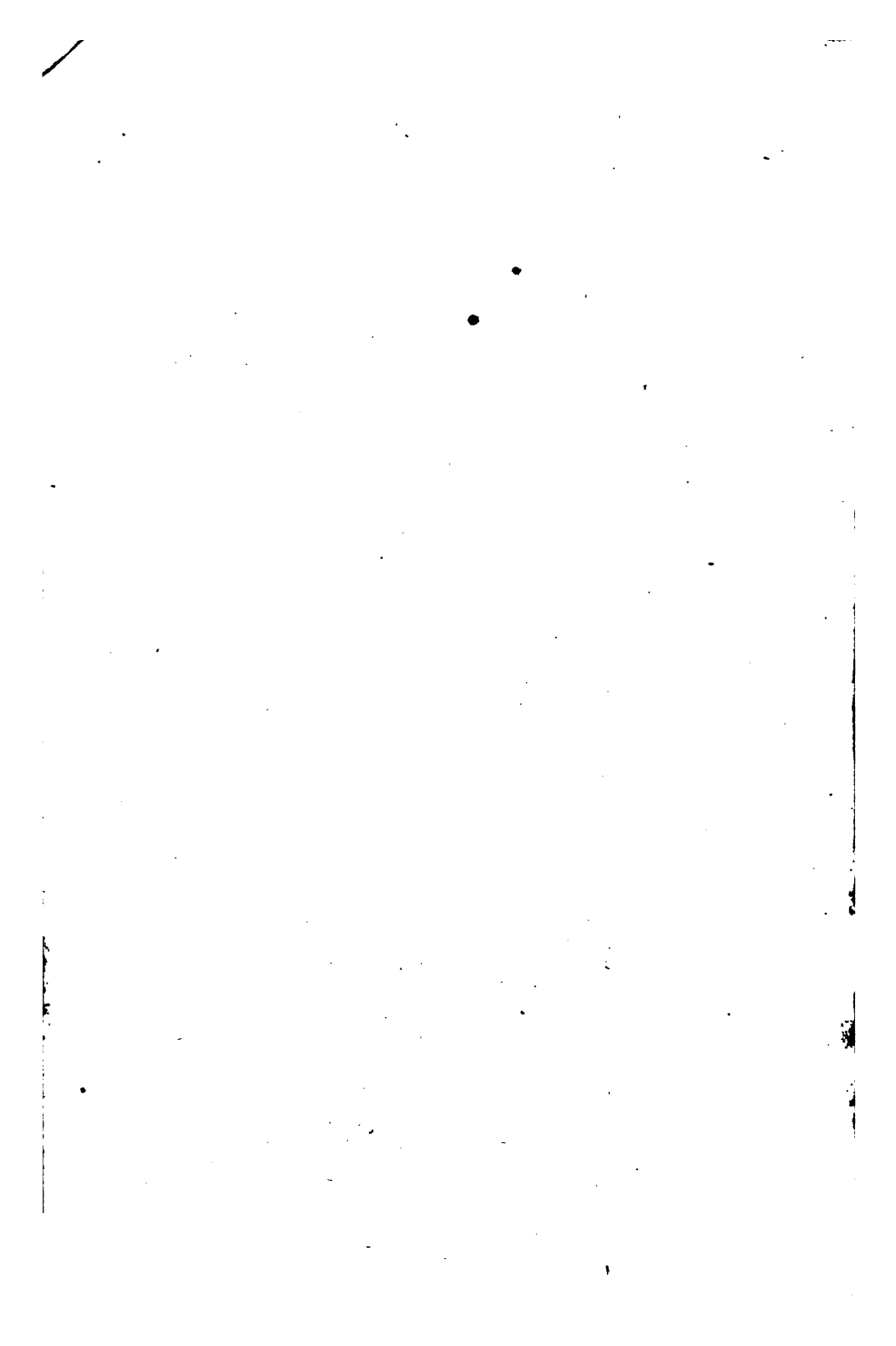
dently and judiciously expended; that a large and commodious brick house has been completed and prepared for the reception of the sick, divided off into a number of well constructed and convenient rooms; that a kitchen and all other necessary buildings have been erected, and every thing in a perfect state for the reception of the sick water-men who may be placed in said hospital: a regular bred physician has been procured to attend, and nurses to wait on and administer to the comfort of the patients. These arrangements were all completed last fall, and every attention, from that time to the present, paid those who were in the hospital, and all restored to health and thrown back upon society. The committee would here remark, that not one patient who has been in the hospital was a resident of Kentucky, but citizens of other States. The committee, upon examining into the state of the funds of said hospital, find that they are all nearly expended, and the continuance of the successful operation of the establishment, must depend upon the aid to be afforded by the government of the United States, out of the marine hospital fund, and the contributions of the States bordering on the Ohio, because all the States on the Ohio are equally interested in having the sick water-men provided for, and although the same is situated in Kentucky, her citizens are not more deeply interested in it than those of the States of Tennessee, Illinois, Indiana, Ohio, Virginia and Pennsylvania; besides, it is to be borne in mind that Kentucky has erected all the buildings, and independent of that fact, has expended upwards of forty thousand dollars in erecting a hospital at the city of Louisville, and now, by her own means, keeps it in operation and receives into it the sick water-men from every part of the world.

The committee feel persuaded, that an appeal to Congress and the States, will not be made in vain, for aid to keep up and sustain said institution. The committee submit the following resolutions:

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That our members in Congress be requested to use their best efforts to obtain a contribution out of the marine hospital fund, to be appropriated towards defraying the annual expences of the Cumberland hospital, and as additional means for its support, to authorise the State of Kentucky to collect a toll on the commerce of the river, where the same shall land at Smithland.

*Resolved,* That the Governor of this State be requested to transmit copies of this report and resolutions to the Governors of the States of Pennsylvania, Virginia, Tennessee, Ohio, Indiana and Illinois, and respectfully request the attention of those States to the objects contemplated in this report.

[Approved, January 29, 1829.]



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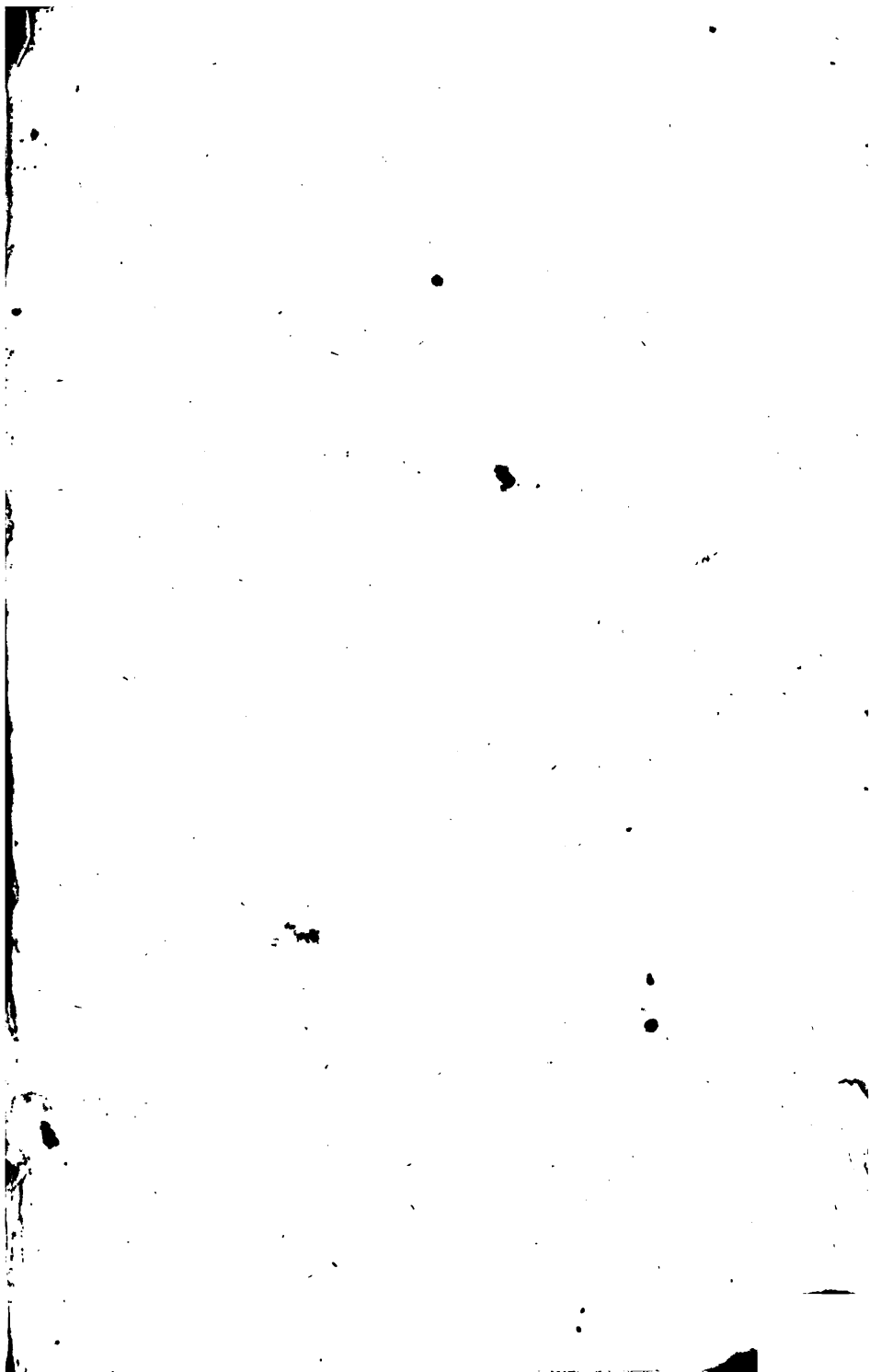
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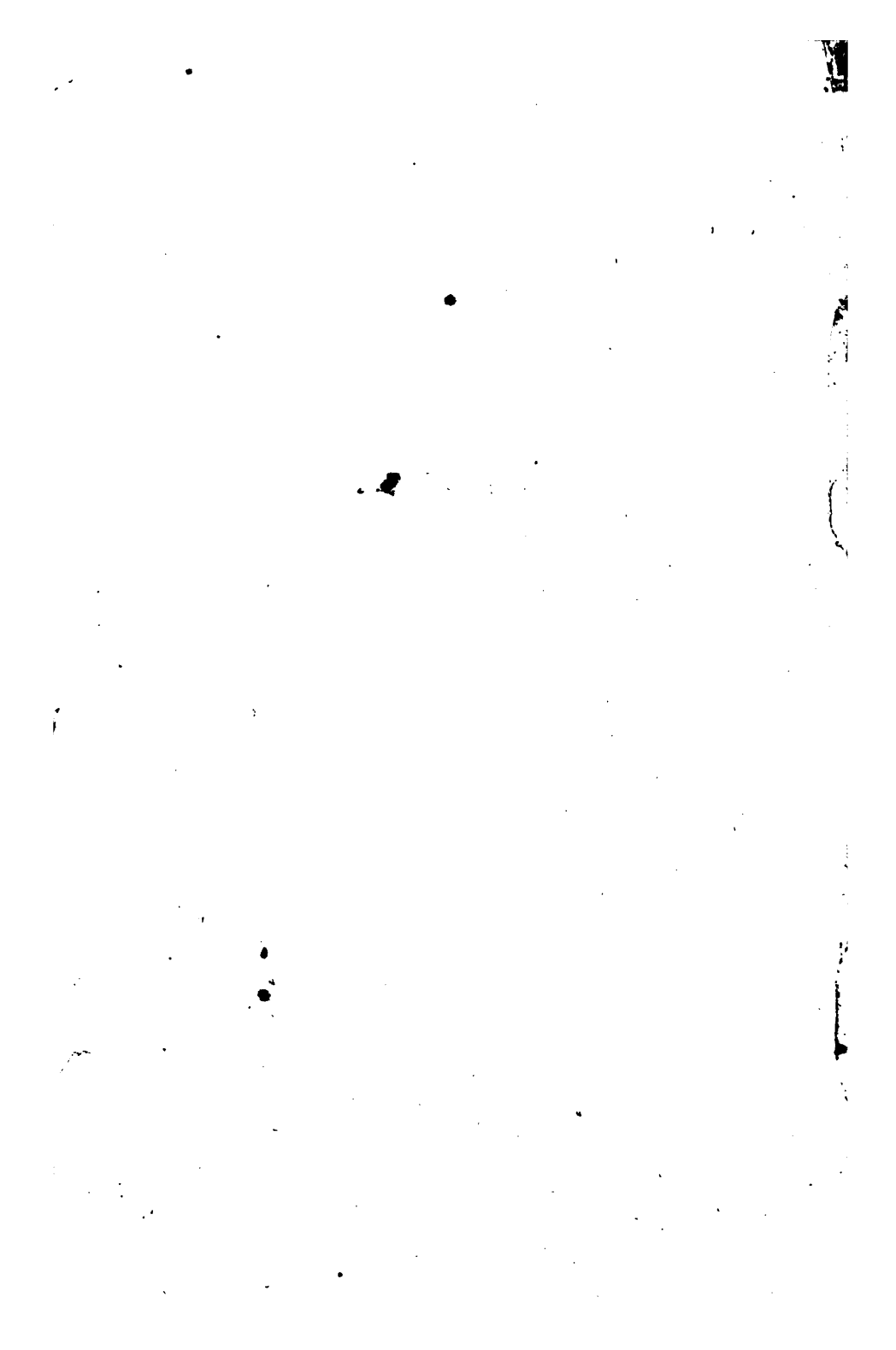
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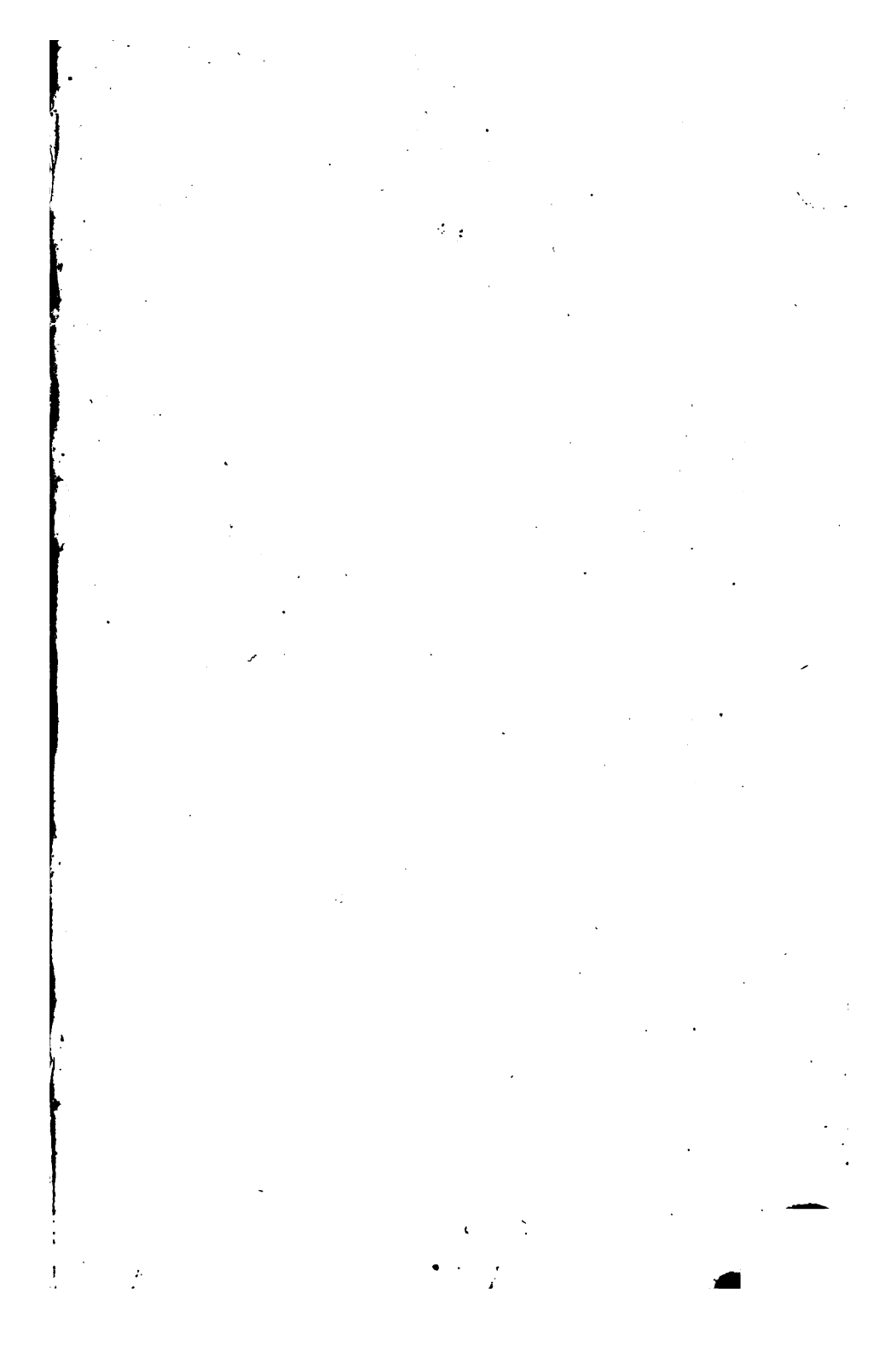


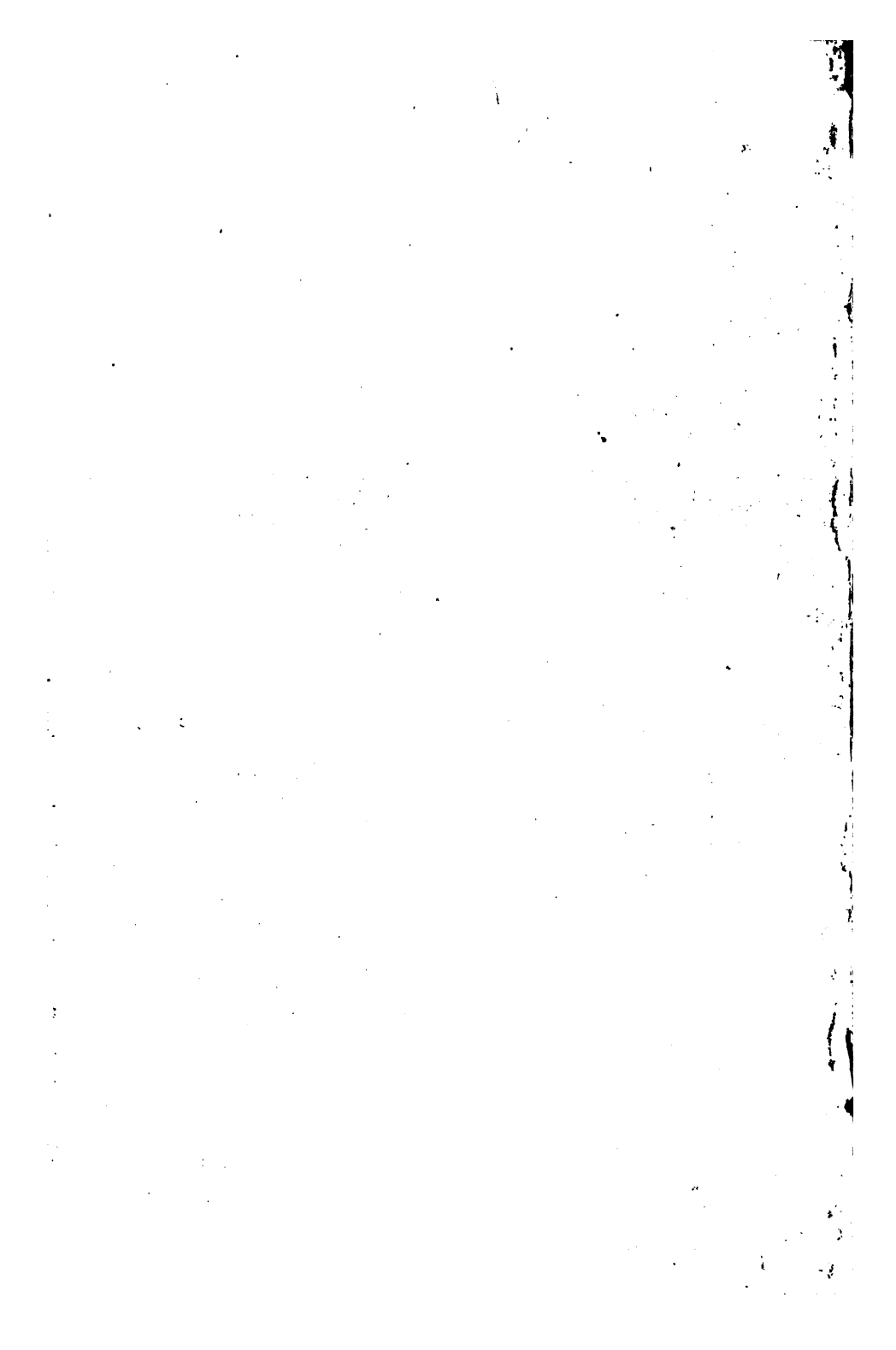
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